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Held at the Palais des Nations, Geneva,
on 22 March 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.20 p.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF NIGERIA

1. Mr. LAMIDO (Nigeria) said that the Commission must address the conditions that inhibited the full enjoyment of human rights everywhere. Poverty was one such condition, for extreme poverty foreclosed any opportunity for a life of dignity, and therefore constituted a violation of the most basic human right. Regrettably, the developing countries bore the brunt of the challenges facing mankind, challenges that included poverty, disease, the effects of globalization and the persistence of internal conflicts. One way the international community could demonstrate its commitment to the pursuit of all human rights was by eschewing selectivity. The right to development was fundamental, it was central to the enjoyment of all human rights.

2. Initially hailed as a means of revitalizing the global economy, globalization had come to be identified as a new cause of poverty. Developing countries had to participate in the globalization process as subjects and not just as victims. If the world had, indeed, become one family living in a global village then, like a village, it should be an inclusive community for all not an exclusive body for a select few.

3. Nigeria believed that democracy and human rights had an organic link. True democracy could not flourish unless citizens had access to education, primary health care and other basic rights. One reason his Government was having difficulty in providing such services was the huge external debt burden. He therefore called for the total write-off of the debts of developing countries so that they could make a new start.

4. Corruption had had, and was still having, repercussions on the enjoyment of human rights. Much of Africa's wealth had been illegally stashed away in foreign banks by individuals in partnership with foreigners under corrupt regimes. It was disconcerting that, in the name of the rule of law, legal technicalities were being cited to obstruct the legitimate return of such looted funds. It was time that the international community took steps to settle the matter.

5. His own Government had established institutions to tackle the problem of corruption. Under a new Act on the subject passed in 2000, no one, not even the President, was immune from investigation. The Human Rights Investigation Committee established to investigate cases of human rights abuses committed between 1975 and 1998 had held hearings in several parts of the country with a view to establishing the truth and providing an opportunity for reconciliation. Two factions in Ogoni which had previously been sworn enemies had been reconciled as a result of its activities.

6. Gender mainstreaming had become part of national policy and women currently occupied key positions in both the Cabinet and elsewhere. Indeed, the conference on human trafficking held recently at Abuja, had been convened by a non-governmental organization (NGO) founded by the wife of the Vice-President.

7. Given the continuing and new manifestations of racism in the world, his Government looked forward to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that was to be held later that year in South Africa.

8. After expressing his Government's appreciation of the recent visit of the needs assessment mission to discuss areas of possible collaboration in capacity-building and the strengthening of democratic institutions, he reaffirmed his Government's conviction that the Commission had a unique role to play in eliminating obstacles to the enjoyment of human rights and called on all delegations to work together in a spirit of partnership and understanding.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (continued) (E/CN.4/2001/17-19, E/CN.4/2001/NGO/9, 10, 40, 117, 146, 163 and 174)

9. Ms. de ARMAS GARCIA (Cuba) said that the exercise of the right to self-determination was a precondition for the achievement of all other human rights. She reaffirmed her delegation's complete solidarity with the Palestinian people in its just struggle to establish an independent State with Jerusalem as the capital, and also reiterated her delegation's unreserved support for the inalienable right of the people of Puerto Rico to exercise their right to self-determination in their territory, including the island of Vieques, and their demands for the immediate cessation of all military tests by United States troops on that island. For its part, Cuba continued to demand the return of its national territory which was currently occupied by the United States naval base at Guantánamo.

10. The struggle of peoples for self-determination was continuing, in part because of the emergence of a new policy of domination and the so-called right of "humanitarian intervention". There were no legal foundations for that so-called right; it had been rejected both by the Sub-Commission on the Promotion and Protection of Human Rights in 1999 and by the General Assembly. The dilemma for developing countries was whether or not they should allow themselves to continue being, under specific circumstances, the object of intervention by a handful of Powers. "Humanitarian intervention" was a violation of the Charter of the United Nations and of existing international law, particularly the right of peoples to self-determination. The challenge was to preserve peace while respecting the territorial integrity and diversity of nations. In that context, revitalizing the right of peoples to self-determination was of particular importance.

11. Turning to the report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/2001/19), she said that she supported the Special Rapporteur's investigation of mercenary activities and his follow-up to his visit to her country in 1999. She agreed that there was clear and ever-growing evidence of a link between mercenaries and terrorism. Having been a victim of such activities financed from the territory of the United States for nearly 40 years, Cuba vigorously rejected such practices. It unreservedly supported the work of the Special Rapporteur and called for the renewal of his mandate for a further three-year term.

12. Terrorist activities against Cuba were continuing. A plan to assassinate President Fidel Castro in Panama had recently been foiled thanks to information provided by Cuba. Luis Posada Carriles, a well-known international terrorist who had been responsible for the bombing in mid-air of a Cubana de Aviación airliner in 1976, was currently being held in Panama with three other terrorists. Cuba had requested their extradition, in accordance with the relevant Panamanian legislation. However, the United States Government and the Miami terrorist mafia had been bringing pressure to bear on the authorities in an attempt to prevent justice from running its course.

13. Her delegation wished to draw attention to the possibility that Posada Carriles might again escape unpunished as he had done following the destruction of the Cuban airliner, when he had walked out of jail before the trial was ended only to reappear later in the pay of the CIA. He had admitted those terrorist actions in an interview granted to the New York Times on one of his visits to the United States. Cuba had every right to expect that those international mercenary-terrorists would be tried and severely punished as an example to others.

14. Mr. AL-THANI (Qatar) said that the right to self-determination was the legal foundation for justice, freedom and moral values and his delegation was most concerned at the violation of that right by Israel in the occupied Arab territories.

15. His delegation supported the decision and resolutions adopted at the ninth summit meeting of the Organization of the Islamic Conference (OIC). It was concerned that Israel was continuing to confiscate lands, build settlements and violate all international resolutions and decisions on the matter. At the ninth summit, the OIC had called for the cessation of all colonial activities, which were contrary to international law and to the agreements signed by Israel and Palestine. His delegation thus urged the Security Council to see to it that those activities stopped and to revitalize the Commission established pursuant to its resolution 446 (1979).

16. The Government of Israel must take practical steps to show its good will by fulfilling all its commitments and implementing the agreements it had signed. There could be no lasting peace in the region unless the Palestinian people were allowed to exercise their national and political rights, including the right to self-determination and the right to set up an independent State in their own territory with Jerusalem as its capital.

17. Mr. DEMBRI (Algeria), completing the statement he had begun that morning regarding the Special Rapporteur's report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/2001/19), said that his delegation agreed with the Special Rapporteur regarding the need to pay greater attention to mercenary activities, particularly in Africa where the problem was most acute. Oddly enough, it was the countries with the greatest natural resources that were experiencing the greatest upsurge in mercenary activities. Indeed, there was a veritable battle going on between political groups and multinational corporations for control of that wealth. The Special Rapporteur should be encouraged to continue his investigations. The picture became clearer when one noted that, in payment for their services, mercenaries were granted "concessions" in areas where the greatest resources were to be found. The persons financing the operations were often powerful public or private figures, as could be seen from various scandals that had arisen recently involving high-level political figures.

18. The Special Rapporteur had concluded that terrorism was one of the greatest scourges currently facing mankind, for terrorists were completely lacking in moral values. As noted in paragraph 50 of the report, mercenaries participated in trafficking in persons, drugs and weapons.

19. His delegation encouraged the Special Rapporteur to continue studying the link between terrorism and mercenaries and supported his recommendations, particularly the one regarding the convening of meetings of experts representing various geographical regions and legal systems to analyse traditional and new forms of mercenary activities and the problems posed by shortcomings in the existing definition of terrorism (para. 97).

20. Mr. RAMLAWI (Observer for Palestine) said that the real issue of the Palestinian people's right to self-determination, which needed no evidence or proof to justify it and which had been the subject of countless United Nations resolutions over the years, was that of the Israeli military occupation force, which regarded the Palestinian people's enjoyment of its right to self-determination as a menace to its society. The Israeli occupation force therefore exerted every effort to hinder the exercise by the Palestinian people of their national rights, including the right to self-determination. Colonial mastery and foreign occupation prevailed on the ground; that mastery became even more significant because of the way in which the oppressive force dominated the mechanism of implementing the principles of international law, the provisions of international legitimacy and the resolutions of the United Nations.

21. Through a policy of double standards and selectivity in implementing international law, the mechanism of implementation had become subject to one specific standard, which was the interest of the dominant Power. The interests of other peoples counted for nothing when set beside the strategic and vital interests of that single Power. When those interests coincided with the interests of another Power that was occupying Palestinian territories and committing crimes against the Palestinian people, the dominant Power was at pains to place the occupying Power and the people under occupation on an equal footing, the hangman on the one hand and the victim on the other. The people under occupation were even blamed when they tried to defend themselves.

22. The issue of the right of the Palestinian people to self-determination lay at the heart of the whole problem in the Middle East. If the world really wanted peace and security in that region, the international community should shoulder its responsibility by putting an end to all the obstacles that hindered implementation of its will, and enable the Palestinian people to exercise their right to self-determination. That could be achieved only by liberating Palestinian territory from military occupation in all its forms and manifestations, particularly by putting an end to the construction of new Israeli settlements and dismantling the existing ones. The international community should undertake its responsibility at the side of the Palestinian people's struggle.

23. Mrs. ABOULNAGA (Observer for Egypt) said that the situation of the Palestinian people represented one of the worst forms of violation of the right to self-determination. Israeli practices and violations of human rights in the Palestinian territories were in flagrant violation of international law and of the wishes of the international community, and they were getting worse.

It was a vicious circle which threatened to destroy attempts to build peace. There had to be acknowledgement of the right of the Palestinian people to establish its own independent State. In refusing to acknowledge that right, Israel was merely making its record for failing to respect international law even worse.

24. The developments in occupied Palestinian territories since September 2000, in which Israel had used excessive force and which had been condemned by the General Assembly and Security Council, showed that force could never stop the Palestinian people from continuing their struggle to achieve an independent State through the exercise of the right to self-determination. Continued Israeli oppression could only worsen the situation and stiffen the resolve of the Palestinian people to resist.

25. The international community must take urgent steps to halt the Israeli occupation and call upon Israel fully to implement Security Council resolutions and respect the right of the Palestinian people to self-determination and to their own independent State. Peace would be achieved only with the assistance of the international community. The observer for Israel had spoken of an important stage having been reached in the Taba peace negotiations, yet the Israeli Prime Minister had said that his Government would not undertake to respect earlier commitments, and intended to set new peace terms. She wondered which of the two was to be believed. Could the observer for Israel assure the Commission that his Government intended to negotiate on the basis of the Taba positions?

26. Mr. OBEIDAT (Observer for Jordan) said that, despite numerous international resolutions, the United Nations and the international community had failed to enable the Palestinian people to exercise its inalienable right to self-determination and to harmonize their practice with the principles they had adopted. A durable and sustainable peace, as well as lasting security and stability, could be established only through the unconditional withdrawal of all Israeli forces from Arab and Palestinian occupied territories and the full implementation of relevant United Nations resolutions, as well as Israeli implementation of signed agreements. His Government was deeply concerned at recent developments in the West Bank and Gaza, where the Palestinian people, including women and children, continued to face flagrant violations of their human rights. Israel's systematic violation of international humanitarian law, particularly the Fourth Geneva Convention, excessive use of force against civilians, collective punishment closures and curfews, and the building and expansion of settlements exacerbated the situation. His Government believed that it was essential for peace negotiations to be resumed from the point at which they had stopped.

27. Mr. AL-ASKAR (Observer for Kuwait) said that Israel's failure to respect numerous international resolutions had deprived the Palestinians of their inalienable right to self-determination and enjoyment of their fundamental rights. His delegation confirmed its support for all resolutions concerning the Palestinian people, including Commission resolution 2000/4. The Palestinian people should be enabled to enjoy its right to an independent State with Jerusalem as its capital.

28. Mr. LEMINE (Observer for Mauritania) said that the right to self-determination was a cardinal and inalienable right under international law. It was not only the basis of sovereign equality between nations but also an ideal for all peoples. The situation of the Palestinian people, however, ran counter to the universal and irreversible march towards freedom. They were still seeking to exercise their right to self-determination and their right to establish an independent State with Jerusalem as its capital. The only way of ending the Israeli-Arab conflict and resolving the Palestinian question which lay at its heart was for Israel to grant the Palestinian people their national and inalienable rights and withdraw from all occupied Arab territories.

29. Mr. AL-ATTAR (Observer for Yemen), having expressed his gratitude to the High Commissioner for the courageous and conscientious manner in which she had fulfilled her mandate and his regret at her decision not to seek a second term, said that Israel continued to oppress the Palestinian people and remained intransigent in every way: stealing land, destroying homes, and implementing a policy of closures which prevented access for humanitarian and medical assistance, as well as movement by the Palestinian people and the export of Palestinian goods. Israeli practices had been increasing in violence since September 2000. Israel should abide by the relevant United Nations resolutions and withdraw from the occupied territories.

30. Mr. FRICK (Observer for Liechtenstein), having expressed his regret at the High Commissioner's decision not to seek a second term, said that the Liechtenstein initiative on self-determination, introduced several years previously in the United Nations, advocated a more flexible and open-minded approach according to which the right to self-determination could be exercised in different ways. The initiative placed particular emphasis on self-determination by communities living within States. Such models of self-determination were based on forms of autonomy, self-governance and self-administration, and stopped short of independence. While each situation had its own specific set of circumstances, the ideas of the Liechtenstein initiative were to be seen very much as a preventive tool and thus as a contribution to the efforts to develop a culture of prevention.

31. The right to self-determination had played a central role in the process of decolonization, which, with very few exceptions, was a process that had been concluded. To some, that was tantamount to the end of the importance of the right to self-determination. However, in his Government's view, it had to be the end of an almost automatic equation of self-determination with independent statehood and, at the same time, the beginning of a new era in which innovative approaches were developed which allowed for pragmatic forms of self-governance and self-administration of communities living within States, thus ensuring both the territorial integrity of the States and the right to self-determination of the peoples in question. In that way, the right to self-determination could become the basis for the full enjoyment of all human rights.

32. Mr. SAMVELIAN (Observer for Armenia) said that new strategies had emerged to limit the exercise of the right to self-determination in time and space, affirming that the right should be applied only once and to one's national territory only. Both conditions merely restricted the right to a fair interpretation of principles and favoured short-term geostrategic convenience and double standards. Another unacceptable interpretation was that the right to self-determination should be given a lower priority than the principle of territorial integrity even though, according

to the Helsinki Final Act, the two principles were interrelated, had equal priority and could not therefore be applied separately. Blatant attempts had recently been made to question the essence and applicability of the right to self-determination, leading small nations into forced assimilation and/or large-scale exoduses from their homelands, causing regional unrest and threatening the security of neighbouring States.

33. Armenia was committed to full implementation of the right to self-determination through peaceful means of the people of Nagorny Karabakh, who had suffered colonial domination by the Soviets and foreign occupation by Azerbaijan, which had been granted jurisdiction over that Armenian region illegally and unjustly in 1923. Armenia commended the courage of some Governments in conducting referendums and taking public action to secure and consolidate application of the right to self-determination in their respective territories.

34. Mr. LEVY (Observer for Israel) said that the current situation needed to be addressed in a non-polemical fashion, as the Fact-Finding Committee established by the Sharm al-Sheikh Summit was currently doing, its members including distinguished leaders from the United States, the European Union and Turkey. He recalled that, at that Summit, the Chairman of the Palestinian Authority had made a commitment to call unequivocally on his forces and people to end all acts of violence. That call had never materialized.

35. Negotiations had continued at Taba in January 2001 but the Palestinians had once again missed the opportunity to attain some of their aspirations which would have been possible if they had agreed to compromise as Israel had done. It was unrealistic of the Arab speakers at the previous meeting to subscribe to the position that the Palestinians should attain all their goals. Following the elections, the outgoing Prime Minister had stated clearly that the negotiating positions presented in Camp David and in Taba were no longer valid. It was therefore, regrettably, necessary to start anew to reduce the violence and open negotiations.

36. Although economic loss and unemployment were currently prevalent among Palestinians who had been accustomed to work in Israel every day, his Government still favoured full employment for Palestinian workers. It could not, however, tolerate a situation in which some workers imported violence into its heartland, planting bombs in market places or running down innocent civilians. The return to full employment depended upon the cessation of the violence.

37. A speaker had referred to the Jews who immigrated to Israel, particularly in 1948, as "gangs" which had occupied Jerusalem. Those "gangs", however, were returning to their homeland after two millennia of dispersion and persecution; they had included professors and scientists, as well as survivors of the concentration camps in Nazi Germany and elsewhere in Europe; and they had created marvellous institutions in the land of Israel. They had created hospitals, such as Hadassah Hospital in Jerusalem, where not only Israeli Jews but also Israeli and other Arabs came daily for treatment. In that context, he drew attention to the recent murder of a haematologist on his way home from the Hospital; the last patient he had seen had been an Arab. Israelis had also established the Histadrut, the trade union to which millions of Arab and Jewish Israelis belonged, as well as the only free press in the Middle East, which freely criticized Government and opposition alike.

38. Lastly, he expressed concern that the use of the word "gang" had been tolerated and greeted with silence from other delegations and the High Commissioner. He doubted whether the same reaction would greet such a defamation of any other nation, people, race or group. A first step towards a successful World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was to take care in the use of language.

39. Mr. MUSAYEV (Observer for Azerbaijan) said that, although self-determination was a fundamental human right, there were situations when the principle was used to justify secession or territorial expansion under the pretext of care for ethnic groups in other, often multi-ethnic States. Outside encouragement or even support for secessionist activity was deeply harmful to the international legal order, a basic feature of which was respect for the principle of territorial integrity, along with the accompanying principles of non-aggression and non-interference.

40. International instruments incorporating the right to self-determination, such as the Vienna Declaration and Programme of Action, were not to be construed as authorizing or encouraging any action that impaired the territorial integrity or political union of sovereign States. Similarly, the International Covenant on Civil and Political Rights made a clear distinction between the right to self-determination and the rights of persons belonging to minorities, although some reports submitted to the Human Rights Committees confused the two. Moreover, General Recommendation XXI of the Committee on the Elimination of Racial Discrimination had noted that, as stated in An Agenda for Peace, "a fragmentation of States may be detrimental to the protection of human rights".

41. An entity which purported to be a "State" in violation of the principle of the right to self-determination was a mere fabrication. The development of the right of peoples to self-determination should be understood more in support of an entitlement to democracy rather than as an encouragement to fragment the political map of the world.

42. With regard to the remarks by the observer for Armenia, he pointed out that Security Council resolution 822 (1993) had underscored respect for the inviolability of international borders and had called for the immediate withdrawal of all occupying forces from recently occupied areas of Azerbaijan. There was no question of a violation of the right to self-determination on the part of Azerbaijan; on the contrary, the act of sending in forces had been in contravention of the Charter of the United Nations.

43. Mr. LACK (World Jewish Congress), speaking also on behalf of the International Association of Jewish Lawyers and Jurists, said that the Commission's way of discussing the Arab-Israel conflict was fundamentally flawed and selective. One outcome of the fifth special session, apart from the succession of vituperative resolutions, which many members had rejected, had been the so-called decision to establish a human rights inquiry commission which would gather information on acts which constituted grave breaches of international humanitarian law by the Israeli occupying Power. Thus the inquiry commission had been charged with proving violations before evidence of their alleged commission had even been established. Moreover, one member of the Commission was known for his unrelenting hostility towards Israel and Zionism, while another enthusiastically identified with the Palestinian viewpoint.

44. In the event, the one-sided character of the report had confounded even the most cynical expectations. Press reports had been quoted out of context, giving the impression that Israeli leaders were conducting a policy of extrajudicial execution and political assassination, rather than one of effective containment of terrorist attacks against civilians. On the other hand, not a word in the report was devoted to the avowed policy of politicide of the State of Israel and the call for the genocidal killing of all Jews and Israelis, which were daily to be found in the media, including the Internet, propagated by such movements as the Hezbollah, Islamic Jihad and Hamas.

45. That campaign had had serious results, provoking more than 200 attacks on Jewish community centres by terrorists and their supporters throughout the world. The report also distorted the situation with regard to the tragic question of Arab refugees left to disintegrate in camps, where hatred for Jews and Israel was systematically inculcated.

46. By contrast, Israel would continue its determined pursuit of the path of peace and direct dialogue with its Palestinian and Arab neighbours whenever the opportunity arose. Convincing proof of the Israeli approach had been amply demonstrated to the world immediately prior to the deliberate and exploitative resumption of violence by the Palestinian Authority and its supporters.

47. Mr. LITTMAN (World Union for Progressive Judaism) said that the Arab-Israel conflict was at its most dangerous point since the 1973 Yom Kippur War. Although the time might not yet be ripe for the realization of his seemingly Utopian vision of a "United States of Abraham" in the Middle East, the text of which appeared in document E/CN.4/2000/NGO/4, he continued to believe that a future Palestinian State could become a genuine partner in peace with Israel, alongside Jordan, if a new spirit of mutual acceptance became the norm and the rule of law became the natural bedrock of civil society.

48. It was deeply disappointing that an alliance had been formed between the Palestinian Authority and the fanatical Hamas movement. As Sir Karl Popper had said, unlimited tolerance must lead to the disappearance of tolerance. Such dangerous alliances would not serve to reassure Israel that a viable future together could be constructed. Time was running out. He called on the Commission to make a positive contribution to reinvigorating the peace process.

49. Mr. ARRAIZA NAVAS (American Association of Jurists) said he wished to draw attention to the gross violations of human rights to which the people of Vieques had been subjected over the past 60 years owing to the denial by the United States of America of the right to self-determination for the people of Puerto Rico, which was exacerbated by the policy adopted by the recently elected government.

50. War had been the United States habitual recourse in overcoming its economic crises, as shown by events in Iraq, Palestine, the Balkans and Colombia. In Vieques, the United States Government practised the manoeuvres required to wage war and tested so-called depleted uranium ammunition, despite the condemnation by the General Assembly of the military exploitation of non-self-governing territories subject to colonial rule.

51. There was serious concern about the health effects of depleted uranium. The United States and other members of the North Atlantic Treaty Organization (NATO) argued that the relationship between uranium exposure and cancer was not proved. That irresponsible approach, however, indicated that they were experimenting with human lives in order to develop new and more deadly weapons. Independent studies had confirmed that uranium, which the United States Government had admitted using recently in Vieques, had polluted the environment of the island, which was inhabited by 9,300 people living only 8 to 12 miles away from the target range.

52. Studies had concluded that munitions with uranium-238 had been tested in Vieques before their use in the Gulf War, Bosnia and Kosovo. The population of Vieques had therefore been exposed to the toxin for over a decade. He urged the Commission to appoint a special rapporteur to investigate the matter, to order the immediate cessation of all military manoeuvres and to send a team of impartial scientists and epidemiologists to study the effects of uranium on the population.

53. Mr. GUERRERO (Fédération des Associations pour la Défense et la Promotion des Droits de l'Homme) said that the referendum for the self-determination of the people of Western Sahara had been postponed and the Peace Proposals were paralysed - perhaps irremediably - by Morocco's submission of an extraordinary number of appeals against the provisional list of voters for the referendum: 130,000 appeals on a basis of 86,386 people on the list. The United Nations position, as revealed by successive reports by the Secretary-General, was to process the appeals, thereby establishing a second round of voter identification. That approach would clearly favour the interests of Morocco.

54. Nevertheless, the appeals went against the spirit and the letter of Western Sahara Peace Proposals. Most of the appeals were against exclusion and based on new evidence although the latest report (S/2001/148) noted that the appellants had presented witnesses in support of their claims rather than documentary proof. It was impossible for there to be over 200,000 new witnesses, given that the provisional list of voters contained only 86,386 people.

55. It was a matter of great concern that the United Nations was considering the abandonment of the legal process and the development of alternative integrationist policies whereby Western Sahara would form part of the State of Morocco. The "transference of a governmental authority" by Morocco, of which the Secretary-General had spoken in recent reports, ran the risk of replacing the right to self-determination with an imprecise formulation that would predetermine the future of the people of Western Sahara without prior consultations.

56. It was also a matter of concern that the Secretary-General described Morocco as the "administrative Power in the Western Sahara", when the correct description was "occupying Power": the Western Sahara being a non-autonomous Territory awaiting decolonization.

57. His organization therefore recommended that the Secretary-General should call for an urgent examination of the majority of the appeals submitted and, on the basis thereof, should reject the admissibility of all appeals lacking sufficient legal support. Any other course of action would set in train a process that came undesirably close to illegality. The Western countries with economic interests in the area would surely be reluctant to see the Frente POLISARIO renew its

war against Morocco, with all the attendant instability involved. International legal principles should thus be upheld and the referendum should be conducted as a legitimate and necessary culmination to the Peace Proposals.

58. Ms. SHARFELDDIN (International Organization for the Elimination of all Forms of Racial Discrimination), comparing the attitudes of Western countries to two right-wing leaders, said that the same countries that had congratulated Ariel Sharon on his election as leader of the Likud Party in Israel, had threatened suspension of international relations with Austria if Joerg Haider's Freedom Party remained in power. Although the latter maintained racist attitudes, it was not responsible, as were Sharon and his Party, for thousands of killings: in the Palestinian village of Deir Yassin (in 1948) and at the Sabra and Shatila refugee camps in Beirut (in 1982), and for many other incidents of bloodshed and degradation of people because they were not Jews. The international community should take a firm stand against so extreme a manifestation of racism and take measures to prevent Israel's oppression of Palestinians. Such measures had proved successful in defeating apartheid in South Africa.

59. Mr. JOSHI (Afro-Asian People's Solidarity Organization) said that the right to determine one's destiny was "the essence of humanity". Nations that had thrown off the yoke of colonialism had largely adopted the democratic model, which was the best political ideology. Colonialism pitted people against people, dividing communities to facilitate the exploitation by colonizers of the resources of colonized lands. Although such ideology had been denounced, its practices persisted in some parts of the world.

60. Unfortunately, the experiment with democracy in Pakistan had been repeatedly interrupted by "men in uniform" dominated by one linguistic group. The people of the Seraiki nation, along with the Sindhis, Baloch, Mohajirs and other minorities, continued to be denied their basic rights by pseudo-colonial masters, the Punjabis of Pakistan. Seraiki resources were usurped and their heritage and language excluded from school curricula. Those attempting to articulate their aspirations were called traitors and silenced. The Seraiki were not terrorists, which was perhaps why their voices were not heard. Theirs was a quest not for secession, but for the recognition of their uniqueness. The Commission should thus demand that the Government of Pakistan respect their right to self-determination.

61. Mr. TRAMBOO (International Human Rights Association of American Minorities) said that, in August 2000, his organization had sponsored the First International Conference on the Right to Self-Determination and the United Nations in Geneva. The participants - including eminent United Nations experts, government and NGO representatives, jurists and scholars - had discussed the self-determination needs of a wide range of indigenous populations, minorities and nations. The Conference had recognized that the search for, or the prevention of, self-determination typically lay at the root of conflicts, economic crises, refugee flows and human rights violations, which resulted in widespread destruction and considerable civilian losses. It was not true that globalization had rendered the logic of the struggle for self-determination meaningless. The Conference had unanimously recommended the establishment of an office of a high commissioner for self-determination and a self-determination commission comprised of representatives of States Members of the United Nations with a view to laying a foundation for the establishment of an effective mechanism for realization of that right.

62. Mr. ALI KASHMIR (European Union of Public Relations) said that the self-determination of the people of Jammu and Kashmir had been thwarted for over 53 years, despite Security Council resolutions. A permanent solution must be found as a matter of urgency. The key factor in the situation was the constant bickering and fighting between India and Pakistan which had frustrated efforts to ascertain the will of the Kashmiri people. The two countries had not only fought regular wars in 1965 and 1971; they continued regularly to shell each other from across the border. The Kashmiri people were victims of forced occupation. Their poverty and backwardness were due not to a lack of resources but to colonialism and to the violation of their basic civil, political, economic, social and cultural rights. India and Pakistan alike treated the Kashmiris no better than slaves. United Nations resolutions provided only for accession either to India or to Pakistan, disregarding the right of the people of Kashmir to independence ... .

63. The CHAIRPERSON said that the speaker had exceeded his allocated speaking time.

64. Mr. MUMTAZ KHAN (International Institute for Peace) said that there was no consensus on any single definition of the right to self-determination. Although all nations claimed to uphold the principle of self-determination, their practices revealed otherwise. The Kashmiris were still struggling to take control of their destiny despite promises made by the Governments of India and Pakistan. For 53 years, both countries had been accusing each other of not complying with the relevant United Nations resolutions.

65. Instead of liberating Kashmir, the Pakistani tribals had invaded Kashmir, looting, raping women, engaging in indiscriminate killings and forcing the ruler of Kashmir to seek assistance from India at the cost of accession. Those responsible for the destruction of Buddha in Afghanistan were currently seeking to "talibanize" Indian-held Kashmir. The struggle for the self-determination of Kashmir had become a war of hatred in which foreign religious zealots fought Hindus to create an Islamic empire ... .

66. The CHAIRPERSON said he regretted having to interrupt the speaker who had exceeded his allocated speaking time.

Statements in exercise of the right to reply

67. Mr. LIU Xinsheng (China) recalled that many speakers, including members of Western delegations, had expressed their willingness to participate in the work of the Commission with a new sense of goodwill in the new millennium. Regrettably, however, the Minister of State at the Foreign and Commonwealth Office of the United Kingdom had that morning demonstrated a total disregard for reality, and had made presumptuous comments on the situation in China. The Chinese delegation categorically rejected the accusations made.

68. Over the past two decades in particular, China had made tremendous progress on human rights, economic and social development and democracy. In fact, the human rights situation was at its best in the country's history, as acknowledged by all unprejudiced observers. The Chinese Government had dealt with Falun Gong in accordance with the law and in the interests of protecting the human rights of the people.

69. The representative of the United Kingdom had indulged in irresponsible accusations against other countries while turning a blind eye to widespread violations of human rights in his own country, which included police brutality, racial and gender discrimination and polarization of wealth. The United Kingdom Government would be well-advised to put its own house in order first.

70. Mr. CHIDYAUSIKU (Observer for Zimbabwe) speaking in right of reply, dismissed utterly the comments made by the Minister of State at the Foreign and Commonwealth Office of the United Kingdom that morning regarding alleged harassment of the judiciary in Zimbabwe and violence orchestrated against members of the opposition. The Government of Zimbabwe respected the independence of the judiciary, and the press was as free as in any part of the world. After almost half a century of brutal British colonialism, Zimbabweans knew how to value those principles; it had certainly not learned them from the British.

71. Some members of the judiciary who had made political statements had sought to hide behind the independence of the judiciary when politicians had reacted to their statements. Members of the opposition sought to give the impression that they were being persecuted in order to attract funding from abroad. The United Kingdom and the British press, evidently suffering a colonial hangover, had continued to offer them assistance in order to create chaos in the country. Meanwhile, the Government of Zimbabwe was seeking to redress imbalances in land ownership between the white minority of British descent and the black majority.

72. It had taken the people of Zimbabwe years of armed struggle to teach the British that they had a right to self-determination. The British consequently had no right to stand in judgement over Zimbabwe. The two journalists expelled from Zimbabwe - one of whom happened to be British - had been involved in illicit activities. Since all journalists committed to journalism continued to report freely in the country, there was no basis to the allegation that the Government was persecuting journalists. Zimbabwe did not have to be lectured by the British who had their own problems at home.

73. Mr. BELIZ (Observer for Panama), responding to the statement made by the delegation of Cuba, said that his Government would exercise its prerogative as a sovereign State to decide the case in question. It agreed, however, with the Special Rapporteur that such offences should not go unpunished.

74. Mr. BENJELLOUN-TOUIMI (Observer for Morocco) said that his delegation did not intend to enter into a polemic on the subject of Western Sahara, since that question was being addressed in the appropriate forum, namely the Security Council. Not only were United Nations resolutions on the question being adopted every few months, but a Special Envoy of the Secretary-General had been given a clear mandate on the issue with a view to facilitating the elaboration of a political solution acceptable to all the parties involved. The Government of Morocco was cooperating fully with the Special Envoy to that end.

The meeting rose at 6 p.m.

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Fifty-seventh session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 22 March 2001, at 6 p.m.

Chairperson: Mr. DESPOUY (Argentina)

later: Ms. AL-HAJJAJI (Libyan Arab Jamahiriya)
Vice-Chairperson

later: Mr. DESPOUY (Argentina)

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The meeting was called to order at 6 p.m.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (continued) (E/CN.4/2001/17, 18 and 19)

1. Mr. SALEK (World Federation of Democratic Youth) said that Western Sahara, as one of the territories to which the Declaration on the Granting of Independence to Colonial Countries and Peoples applied, still faced a unique and painful situation, while its resources were being exploited and its people's human rights violated. After 15 years of war, the United Nations had granted Western Sahara the right to self-determination under a Settlement Plan that was to have led to a referendum by 1992. Special envoys had been sent to organize the referendum, and the Identification Commission had identified over 60,000 people, but the Plan had encountered many problems. Despite that, the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) and the Kingdom of Morocco had eventually agreed, in the Houston Accords, to come to a comprehensive legal settlement.

2. He wondered whether the purpose of spending all that time and money had been to bring out the truth or to legitimize the occupation. In fact, what had happened was that the future of the people of Western Sahara had been suspended indefinitely. The responsibility for that lay with the Kingdom of Morocco, which had failed to guarantee their rights. The people of Western Sahara were waiting impatiently to exercise their right to self-determination.

3. Ms. LUPING (Cairo Institute for Human Rights Studies), speaking also on behalf of the Palestinian Society for the Protection of Human Rights and the Environment (LAW), said that the ideals of tolerance and an end to discrimination were not shared by Israeli political and military leaders, who believed that enjoyment of the Jewish right to self-determination required the violation of the Palestinians' right to self-determination.

4. Contrary to what it claimed, Israel continued to exercise ultimate control over the occupied territories, in defiance of relevant United Nations resolutions. Only certain civil government and policing functions had been transferred to the Palestinian Authority, and only in relation to designated areas A; and the Palestinian Authority was obliged to communicate all legislation to the Israeli Government. The Israeli military retained control over security matters in areas B and C. In addition, Israel continued to issue military orders affecting the territories and military courts continued to administer justice. The areas within the occupied territories were not contiguous and some towns and villages were under siege. Israel controlled Palestinian foreign policy and access to goods and services, including humanitarian aid. Its policies were crippling the Palestinian economy and impeding its right to development.

5. Israel had failed to meet its obligations under international human rights law and humanitarian law, and she called upon the Commission and the international community to take steps to ensure that Israel adhered to the terms of Security Council resolutions 242 (1967) and 338 (1973) and ended its denial of Palestinians' right to self-determination.

6. Mr. RAJKUMAR (Pax Romana) said that self-determination, being defined as a fundamental human right in the two principal human rights Covenants, had a key place in the holistic approach advocated by the United Nations High Commissioner for Human Rights in her opening statement to the Commission at the current session.

7. Universal realization of the right to self-determination required the abolition of discriminatory categorizations of people into, for example, "minorities" or "indigenous peoples", and of the artificial distinction between external and internal colonization. Internal colonization was institutionalized and State-sanctioned discrimination practised against communities that were in some way "different" from the majority. Such communities were prevented from controlling their own destiny by structural inequalities in access to services and resources and in the exercise of human rights and power. It was regrettable that the right to self-determination as a means of achieving non-discrimination had been omitted from the draft declaration and programme of action of the World Conference against Racism.

8. The realization of the right to self-determination could prevent conflicts arising out of the violation of other human rights. It was the lack of preventive mechanisms that had been indirectly responsible for tragic situations such as in Kosovo and Chechnya, for example. Pax Romana therefore recommended that the Commission should request the Sub-Commission on the Promotion and Protection of Human Rights to prepare a working paper on the implementation of the right to self-determination as a contribution to international peace and security, including in an internal colonization context.

9. Mr. AHMAD (World Muslim Congress) said that current conflicts such as those in Kashmir, Palestine, Kosovo and Chechnya had arisen largely as a result of the denial of the right to self-determination. The root cause of the current situation in Kosovo, for example, was the unjust refusal of the victorious Powers to give Kosovars a national home at the end of World War I; the people of Palestine, furthermore, had experienced 33 years of alien occupation.

10. Kashmir had now been occupied by India for 53 years. Its people had been deceived by India's promises to allow them to decide their own political future. The purpose of those so-called undertakings had been to gain time for India to tighten its hold on the country. India had rejected all the efforts of the Kashmiri people to negotiate their status peacefully, and had used violence and terror to defeat passive resistance and distortion of facts to obfuscate the issues. Its 700,000-strong occupation force could invade and ransack homes, torture detainees and burn down property with impunity. The Kashmiri people wanted freedom to exercise their right to self-determination, the release of those unjustly imprisoned and the trial of those guilty of crimes against humanity. They requested the moral, political and material support of the freedom-loving peoples of the world and of the members of the Commission.

11. Mr. QADRI (World Muslim League) said that the denial of self-determination undermined all other fundamental human rights and was responsible for the persistent threat of war and conflict. The key to lasting peace and stability in areas such as the Middle East and Kashmir was the freedom to exercise the right to self-determination.

12. In Kashmir, for example, the human rights situation had become acute. The Indian occupying forces had killed over 80,000 innocent Kashmiris, while India prevented the

Commission from taking action by claiming to be seeking bilateral talks with Pakistan. In fact it was blocking the political process by refusing to recognize the Kashmiri leadership or include it in any dialogue with Pakistan. The dispute would never be resolved unless and until all parties were involved in the process. He urged the Commission to help the people of Kashmir realize their right to self-determination by calling upon India to end repression in the territory, allow visits by international monitors and human rights mechanisms, and open the political process with Pakistan and the Kashmiri leadership simultaneously.

13. Mr. BARNES (Indigenous World Association) said that, following the discovery of documents predating Russia's sale of Alaska to the United States it had become clear that Russia had had no title to the territory and therefore no right to sell it. Moreover, in a series of diplomatic communications dating from the early nineteenth century, the United States had fully recognized that title to the lands was held by the indigenous peoples of Alaska, as independent tribes inhabiting an independent territory. However, the United States now claimed that Russia had had dominion over Alaska and had therefore been entitled to cede the territory. Alaska had been placed on the United Nations list of Non-Self-Governing Territories in 1946, but had been removed from the list in 1959 without consultation with its independent tribes.

14. Alaska's independent tribes deserved recognition as traditional indigenous Governments with the right to exercise international sovereign status. As a representative of the Indigenous Peoples and Nations Coalition, he protested against the Millennium Agreement that required the so-called "federally recognized tribes" to recognize the sovereignty of the State of Alaska. The Agreement was merely the latest in a long line of colonial machinations on the part of the United States. He formally requested the appointment of a special rapporteur to examine the Millennium Agreement and the colonial situation in Alaska.

15. Ms. DI POGGIO (International League for the Rights and Liberation of Peoples) said that, despite meetings on confidence-building measures, held in late 2000 between the President of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), LTTE's unilateral ceasefires and calls for the de-escalation of the armed conflict had been rejected out of hand by the Sri Lankan Government. Indeed, the Government had taken advantage of the truce to step up its military offensive and security forces had engaged in severe action against peace protesters urging the Government to negotiate.

16. The notion of self-determination needed updating. It was usually defined in relation to colonization and current struggles for self-determination therefore remained outside the framework of international law. The Tamils' struggle was a case in point: although the conflict had started following independence in 1948, the Government had stepped up its repression only after the 1977 elections, when more than 75 per cent of Tamils had voted for independence.

17. Mistrust was a natural consequence of a 20-year conflict, but common ground must be found at the negotiating table. Her organization appealed to the Commission to urge the Government of Sri Lanka to reciprocate the LTTE ceasefire, lift the economic blockade and agree to negotiate a just and acceptable peace.

18. Ms. PARKER (International Educational Development) said that the people of Western Sahara did not need to accept anything less than full sovereignty and she called upon

the Commission to reject the "third way" solution to the referendum impasse proposed by Morocco. Referring to the report of the Special Rapporteur on the question of the use of mercenaries (E/CN.4/2001/19), she said that no mention had been made of the situation in the Moluccas, where the Indonesian authorities had used a heavily armed mercenary group to crush the Moluccan people's claim to self-determination.

19. Some countries had a disturbing tendency to label groups involved in self-determination struggles as "terrorists", in order to divert attention from self-determination claims that conflicted with their own foreign policy objectives or to be able to intimidate members of the groups or human rights activists with the threat of "anti-terrorist" measures. Moreover, the "terrorist lists" drawn up by some States, including States whose own military adventurism had produced untold human suffering, often contained an overwhelming number of Islamic groups, many of them involved in situations where there was an internationally recognized right to self-determination. The conflict in Kashmir was one example of an attempt to reduce a legitimate claim to self-determination to an issue of terrorism. The region could never know peace and stability as long as such politically-motivated labelling continued. The practice also deterred humanitarian relief efforts and undermined action on genuine terrorism.

20. Mr. SAFI (International Islamic Federation of Student Organizations) said that the Kashmir dispute was a threat to the peace and security of the entire South Asia region. He wondered how long the United Nations would stand by and watch, and how long the Kashmiris would wait for meaningful talks between India and Pakistan. Fifty-four years had passed, but the right to self-determination did not lapse with the passage of time and could not be extinguished by brute force. India enforced its authority over Kashmir solely through military power and coercion. That was what had driven Kashmiri youth to other means than protest demonstrations.

21. India could not claim that the will of the people of Jammu and Kashmir had been ascertained by the holding of elections, because Security Council resolution 122 (1957) had rejected any such action as a substitute for a free and impartial referendum. His organization urged that the impediments to the realization of Kashmiris' right to self-determination should be removed without further delay or loss of life, and that the United Nations High Commissioner for Human Rights should be asked to report to the Commission on the progress made in implementing United Nations resolutions on Kashmir and ending all human rights abuses in the territory.

22. Mr. IBARRA (International Indian Treaty Council) said that the debate on indigenous peoples' right to self-determination had begun at a United Nations seminar on recourse procedures and other forms of protection available to victims of racial discrimination, held in Nicaragua in 1981. Participants had discussed the idea of the right to self-determination of a group with a defined territory within a State, and self-determination had been deemed a prerequisite for indigenous peoples' exercise of their fundamental rights and their ability to preserve and develop their culture for future generations. Later, self-determination had been made central to the draft declaration on the rights of indigenous peoples produced by the United Nations.

23. The denial of the right to self-determination in one or other of its forms was, directly or indirectly, central to the more than 50 armed conflicts currently being waged around the world.

Any restrictive interpretation of that right impaired fundamental rights and freedoms because it amounted to a denial of indigenous peoples' land and territorial rights and of their right to preserve and pass on their heritage. The tragedies and conflicts thus created could have been avoided, but the debate on the various forms of the right to self-determination was beset by spectres from the past that made it difficult to establish harmony. In order to document the historical aspects of the issue and assess the development of international law on self-determination, his organization considered that the Sub-Commission on the Promotion and Protection of Human Rights should be requested to carry out a comprehensive review of existing studies on the subject.

24. Mr. BERNALES BALLESTEROS (Special Rapporteur on the question of the use of mercenaries) said it was generally agreed that the principle of self-determination was at the basis of the United Nations system. Yet there remained many situations where the principle was not applied, and he reminded members of the Commission that the use of mercenaries was one of the chief threats to that principle and therefore to the exercise of individual human rights. The greatest problem was impunity: in practice, mercenaries were never prosecuted, for, although the International Convention against the Recruitment, Use, Financing and Training of Mercenaries had been adopted in 1989, it had not yet entered into force. It was impossible to combat illicit mercenarism, and thereby defend the right to self-determination, unless the required number of States ratified the Convention. He hoped that number would be reached by the end of the current session of the Commission.

25. Mr. PRASAD (India), speaking in exercise of the right to reply, said that the statement by the representative of Pakistan had shown how Pakistan distorted the principle of self-determination in order to further its own agenda of territorial aggrandizement. Self-determination was a right applicable to the peoples of non-self-governing colonies and trust territories and one that, as stated in the Vienna Declaration and Programme of Action, should "not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States". Self-determination enabled a whole people freely to choose their own form of government and participate collectively in national decision-making through democratic institutions. It was incumbent on the international community to remind Pakistan of that aspect of self-determination, a right which it had denied to its own people for most of its history.

26. The root cause of the problem in Jammu and Kashmir was cross-border terrorism encouraged, planned and financed by Pakistan and carried out from its territory. He was appalled that the representative of Pakistan should try to elevate terrorists and murderers, brought from Pakistan to the Indian State of Jammu and Kashmir and responsible for large-scale violations of human rights, to the level of great world leaders and freedom fighters.

27. Pakistan had no credentials to preach to others on the right to self-determination. It should ensure the rights of its own unfortunate people and the people of those parts of the Indian State of Jammu and Kashmir now under illegal foreign occupation and ruled as virtual colonies. For those reasons, the choice of Pakistan as spokesperson of the Organization of the Islamic Conference (OIC) on the issue of self-determination was, to say the least, unfortunate.

28. Mr. HUSSAIN (Pakistan), speaking in exercise of the right of reply, said that India's denial of the Kashmiri people's human rights, especially the right to self-determination, was a violation of the Charter of the United Nations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the basic principles of the Commission itself. Since occupying Kashmir in 1947, India had been engaged in a kind of genocide in the territory, including torture, murder, extrajudicial killings, harassment and rape, as a weapon of war. In view of its record not only in Kashmir but elsewhere, did India have any right to preach to other States on human rights?

29. The notion of territorial integrity applied only to territory that was part of the State, not to territories whose status was disputed or had not been determined. Pakistan had frequently approached India to negotiate and discuss Kashmir, an issue that bedevilled relations between the two countries, but India had rejected all its initiatives and chose to portray the Kashmiri people's struggle, which was indigenous, as foreign-sponsored terrorism.

30. Mr. BENJELLOUN-TOUIMI (Observer for Morocco), speaking in exercise of the right of reply, said that the statement made by the representative of International Educational Development raised two issues. Firstly, the principle of self-determination implied a choice, but the speaker appeared to offer only a single solution. Secondly, how could the speaker presume to talk on behalf of the entire people of Western Sahara? How could she know what they thought? He suggested that those making statements should do so without prejudice and those wishing to speak on behalf of a people should obtain a mandate to do so.

31. Mr. PRASAD (India), speaking in exercise of the right of reply, said he was glad to hear that Pakistan wanted dialogue, but it was the Prime Minister of India who had made the path-breaking journey to Pakistan in January 1999 in search of peace. The only response had been further incursions and aggressions in Kargil. India's recent announcement of a unilateral extension of the ceasefire with a view to restoring calm in Jammu and Kashmir had been met with heightened violent activity against civilians by terrorist groups, once again aided and abetted by Pakistan. India was interested in dialogue but the cross-border terrorism had to stop and a proper ambiance had to be created before meaningful progress could be made.

32. Mr. HUSSAIN (Pakistan), speaking in exercise of the right of reply, said that bilateral negotiations had failed many times previously, mainly due to India's obduracy. India did not want to address the issues in a serious manner. As for the latest in what had become a series of so-called unilateral ceasefires, India was merely playing to the international gallery in order to deflect growing criticism of its refusal to open the political process without preconditions, while Pakistan was ready to enter into dialogue at any place, any time and any level. The ceasefire was merely a cover for continued brutality and massive human violations.

33. The CHAIRPERSON said that the Commission had thus concluded the debate on agenda item 5.

34. Ms. Al-Hajjaji (Libyan Arab Jamahiriya), Vice-Chairperson, took the Chair.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (E/CN.4/2001/20, 21, 22 and 23)

35. Mr. ATCHEBRO (Office of the High Commissioner for Human Rights), introducing the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2001/21) on behalf of the Special Rapporteur, said that the report addressed environmental racism and racial discrimination in the application of the death penalty and in anti-drugs campaigns in the United States. It also dealt with the situation in Côte d'Ivoire and the Libyan Arab Jamahiriya, and the Dalits in India. Anti-Semitism and racist violence in European countries, Australia and elsewhere was likewise covered. The Special Rapporteur furthermore reported on follow-up to various of his earlier field missions and on anti-racist actions by Governments and civil society in Europe.

36. The preparations for the forthcoming World Conference against Racism had prevented any missions from being undertaken in 2000, but a visit was now planned to Australia to look into the situation of the Aborigines, with particular reference to the rehabilitation of the generation of children taken from their families and placed in non-Aboriginal families or institutions.

37. The World Conference offered a unique opportunity for the human race to exorcize the demons of the past and set off on the road to greater humanity and fraternity. It should not be an exercise in mere rhetoric, but an occasion to reflect on the difficulty of accepting others in all their diversity: why were the only choices either assimilation to the characteristics of the majority, exclusion or elimination?

38. Humanity could advance only by acknowledging and repenting its past misdeeds. But not everyone was permitted to remember. Asking some to forget the past did victims and their descendants an injustice, for it could be seen as a continuation of the very denial of their humanity that had led to colonialism, the slave trade and genocide, and to massacres of those who demanded equal rights. Similarly, not all received reparation. Was it only military, economic or financial power that could compel those responsible for human rights violations to make reparation?

39. The Special Rapporteur looked forward to a time of hope when racism would be banished, not only by law, but also from minds and daily life, a time when all would be enriched by the diversity of others and would have the magnanimity to apologize and make amends if they denied the humanity of others. The months to come would be crucial for the international community, which should give no quarter in the fight against racism, racial discrimination, xenophobia and related intolerance.

40. Mr. MOLANDER (Observer for Sweden), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that no country could claim to be immune from the evils of racism and racial discrimination. Unfortunately, there had been an increase in racist incidents everywhere in recent years. The European Union was convinced that respect for the principle of non-discrimination, the promotion of tolerance and

respect for diversity, and the active participation of all members of society were conducive to stability and social cohesion. Governments had a responsibility to distribute resources equitably and strive for equality of opportunity for all.

41. Governments must demonstrate a real political will to implement the rights enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination, which formed the basis of international cooperation to eradicate racism. The Union urged all States that had not yet done so to ratify or accede to the Convention in time for the World Conference. It also urged States parties to withdraw reservations that were otherwise incompatible with the aims of the Convention or with international treaty law and to consider making a declaration under article 14 of the Convention. Governments were urged to cooperate with the United Nations human rights mechanisms, and particularly with the Committee on the Elimination of Racial Discrimination, in their efforts to eradicate racism. The Union attached particular importance to cooperation between that Committee and other human rights mechanisms, United Nations agencies and NGOs.

42. The Union thanked the High Commissioner for Human Rights for her dedication to combating racism and supported her in her role as Secretary-General of the World Conference.

43. The European Union had demonstrated its commitment to eradicating racism in its own societies both through national and Union-level legislation and through actions such as the European Year against Racism and Xenophobia in 1997, which had led to the establishment of the European Monitoring Centre for Racism and Xenophobia in Vienna. The Treaty of Amsterdam and the recently adopted Charter of Fundamental Rights had enhanced the Union's ability to combat discrimination of all kinds, and there was a comprehensive legal framework prohibiting discrimination in employment, education, social protection, health care and access to goods and services.

44. At the regional level, the European Convention for the Protection of Human Rights and Fundamental Freedoms provided a solid legal framework for combating racism, and the Union was working with the Organization for Security and Cooperation in Europe (OSCE) to prevent violent conflicts by promoting inter-ethnic relations and tolerance.

45. The World Conference should provide new energy and direction and the impetus for substantial change at the grass-roots level. It would be an opportunity for Governments to reiterate their commitment to eradicating racism, in defence of democratic structures and society at large. The Union was committed to transparent and constructive participation in the preparatory process, which was in itself a strong mobilizing factor in the fight against racism. The Conference must be forward-looking and action-oriented, focusing on policy measures, education, training and information, and international cooperation. It should thoroughly examine the dynamics of discrimination and violence against women and develop strategies to eradicate gender-based racial discrimination. As the Commission on the Status of Women had recently concluded, the empowerment of women was an essential component of a proactive strategy to fight racism.

46. The European Union hoped that the regional preparatory processes, and the contributions from other parts of the United Nations system, including the Committee on the Elimination of

Discrimination against Women, would facilitate an understanding of the range of problems occurring around the world. NGOs also had a catalytic role to play and Governments should harness their experience and expertise. The Union was contributing EUR 3.6 million, through OHCHR, to help NGOs participate in the preparatory process and the Conference itself.

47. Mr. ZAFERA (Madagascar) paid tribute to all involved in the preparatory process for the World Conference, which had culminated in the presentation of the draft declaration and programme of action at the recent meeting of the Inter-Sessional Working Group. His delegation regretted, however, that the draft did not fully reflect the African position expressed at the Regional Conference for Africa. Africa was known to be the region that had suffered most from racism, racial discrimination and colonialism and his delegation could not accept a draft declaration and programme of action that drew a veil over certain historical injustices such as the transatlantic slave trade, which constituted a crime against humanity, or colonialism, whose evil consequences continued to be felt. His delegation considered the victims of such injustices had a legitimate right to reparation and hoped that a consensus would be reached on that subject in the course of the Preparatory Committee's work.

48. It was disturbing to note from the report of the Special Rapporteur (E/CN.4/2001/21), that racism continued to flourish in many regions in various forms, including the dissemination of racial hatred through Internet and the resurgence of racist ideologies. It was, however, encouraging to see from paragraph 157 of the report that significant advances had been made in raising awareness of the deleterious effects of racism. The international community must take determined action to reinforce the measures instituted at the national level and his delegation fully supported the proposals made in the Preparatory Committee with regard to strengthening cooperation at the international level and among the various United Nations mechanisms. The World Conference should be seen as an occasion to demonstrate real political will to eradicate racism.

49. Ms. ACOSTA (Mexico), speaking on behalf of the Latin American and Caribbean Group (GRULAC), said that racial diversity was the essence of her region. All the countries of the region had experienced racism in its many forms and understood that knowing the truth about the past was a vital step towards building the future on a solid foundation of justice, equality and solidarity.

50. The Regional Conference of the Americas, held in Santiago, Chile, in preparation for the World Conference, had recognized that the region's vast diversity enhanced human coexistence, tolerance, mutual respect and democratic political systems, all of which were fundamental to human dignity. As could be seen from the Declaration and Plan of Action which had emerged from that Conference (A/CONF.189/PC.2/7), there were a number of key concerns which the region believed it was essential to include in the final document for the World Conference. It was important, for example, to make reference to the historical causes and the political, economic and cultural context of the problems relating to racism. Paragraph 70 of the Declaration included a specific proposal to acknowledge, *inter alia*, that enslavement and the slave trade would constitute crimes under international law if they occurred today and that reparation should be made by the States that had benefited from such practices.

51. The countries of the region wished to express their determination to prevent and mitigate such negative effects of globalization as cultural homogenization and economic inequalities that might occur along racial lines, and to maximize the benefits by, for example, strengthening cooperation and inter-cultural exchange through the preservation and promotion of cultural diversity (Declaration, para. 10).

52. The final document must describe and characterize the victims of racism, without losing sight of the overall perspective. The Santiago Declaration contained separate sections on each category of victim: indigenous peoples, people of African descent and migrants, as well as others such as mestizos and victims of multiple discrimination.

53. GRULAC believed the World Conference should produce action-oriented recommendations for Governments and civil society, particularly NGOs and youth organizations, focusing on information and education, preventive measures and the use of new technologies in promoting tolerant behaviours and respect for diversity. Latin America and the Caribbean were firmly committed to the success of the Conference. The task was to collate the outcomes of the regional conferences in a comprehensive document. GRULAC was prepared to participate in the collective effort to produce universally acceptable recommendations and a political statement that took account of regional specificities and addressed the growing concerns of diverse social groups in the search for human dignity.

54. Mr. Despouy (Argentina), Chairperson, resumed the Chair.

55. Mr. JOHANSEN (Norway) said that Norway associated itself with the statement made by the observer for Sweden on behalf of the European Union. Despite efforts at the international, national and local levels, racism continued to pose exactly the same challenges. Apartheid might have been relegated to history, but pogroms, ethnic cleansing and genocide persisted: vigilance was essential, for the battle was not yet won. It was disconcerting to realize that instant access to other cultures and the availability of world music and ethnic food did not necessarily build tolerance and respect. Fears and questions remained, as well as a yearning for belonging and roots.

56. Recent events had demonstrated that racism and discriminatory attitudes existed in Norway, too, but they had also led to an intensification of grass-roots action against racism, particularly among young people. The Government was continually working to improve its legislation. To be successful, however, policies needed to address the root causes of racial prejudice and attitudes at all levels. The fight against poverty and equality of opportunity were fundamental.

57. Norway welcomed the efforts to focus on children and youth at the World Conference, and had involved civil society and NGOs in preparations for the event. It had made substantial budgetary contributions both to OHCHR and to South Africa and encouraged others to follow suit in order to make the Conference a success.

58. Mr. LA Yifan (China) said that the World Conference against Racism should review historical experience and formulate new strategies to combat the new forms of racism, including discrimination against immigrant workers and neo-Fascism, which were appearing in some Western developed countries and presented a serious challenge to the international cause of human rights.

59. The majority of countries in the world were developing countries, whose development had been adversely affected by colonialism, the slave trade and racism in general. Under the new shock of economic globalization, which challenged many countries' national sovereignty and economic security, it was not surprising that such countries demanded recognition of the crimes of colonialism and reparation for the victims of racism. China hoped that the Conference would address those issues.

60. Some countries were making every effort to dilute the significance of the Conference and weaken the declaration and programme of action. China opposed such practices and called on States to show flexibility and the political will to facilitate the preparations for the Conference.

61. China appreciated NGOs' contribution to the success of the Conference but hoped that OHCHR and the Preparatory Committee would handle applications by NGOs to attend the Conference in strict accordance with Economic and Social Council resolution 1996/31 and exclude those not meeting the criteria.

62. Lastly, as one of the first signatories of the International Convention on the Elimination of All Forms of Racial Discrimination, China had been an active participant in preparations for the World Conference and had made a financial contribution. It was ready to work together with other countries for the full success of the Conference.

63. Ms. DIALLO (Senegal), Chairperson of the first Preparatory Committee of the World Conference against Racism, said that the outcome of the two earlier Decades to Combat Racism had been far from satisfactory and the declarations and programmes of action of the first and second World Conferences, held in 1978 and 1983, respectively, had had limited success. The third World Conference should therefore be an opportunity for non-governmental and government delegations to reflect on that experience and develop early-warning systems and bold, effective measures to eradicate racism. The Conference should produce some mechanism for coordinating strategies and policies and address, as a matter of priority, the issue of increased resources to combat racism.

64. Her delegation believed that it was essential to deal with the root causes of racism and racial discrimination at the national level, for tolerance and respect for diversity were fundamental to a balanced and rich society, while it was discrimination in all its forms that gave rise to human rights violations. In Senegal, for example, political parties and associations were forbidden to identify with a single race, ethnic group, sect, language or religion. The Government had recently strengthened its anti-racist provisions by incorporating them into the new Constitution.

65. The Regional Conference for Africa had been an opportunity to make clear to the international community, in the context of the World Conference, the heavy price Africa had

paid for racism and racial discrimination. Through the slave trade and apartheid, Africa had learnt better than anyone the true meaning of racism, racial discrimination, xenophobia and intolerance. The slave trade had been the most iniquitous and inhuman aspect of a system of commercial exploitation based on the rejection of others, and should be declared a crime against humanity, like apartheid.

66. Representatives from Africa would be going to Durban in a spirit of tolerance, sharing and listening to others, but also of introspection, a process that, in Africa, raised images of the inter-ethnic tension and confrontation that was such a serious obstacle to peace and development in the continent. For Africa the success of the Conference was of great importance and every participant must make an effective, positive contribution to the preparatory process, which was now entering its final stages. Similarly, in the follow-up to the Conference, the political will expressed in its recommendations must be translated into action.

67. Mr. LUGRIS (Uruguay) said that his delegation associated itself with the statement made by Mexico on behalf of GRULAC. Uruguay had taken firm steps to establish a dialogue between civil society and State actors in order to prepare a national position for the World Conference against Racism.

68. Uruguay was committed to helping achieve consensus during the preparatory process. That would be necessary if the World Conference was to mark a real step forward from the previous World Conferences and if the final documents were to constitute an instrument for genuine action. Uruguay would emphasize the vital role of education, the media and new information technologies and would wish the final documents to pay due attention to vulnerable groups such as people of African descent and migrants. In that regard, he was pleased to announce that Uruguay had recently ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

69. Mr. KĀRKLIŅŠ (Latvia) said that his delegation associated itself with the statement made by the observer for Sweden on behalf of the European Union and associated countries. The international community had reached a stage where its members were expected to conform to a model of basic humanity. His delegation believed that it was time to integrate respect for human rights with the older traditional system of good governance. In a conceptually new situation where national interests were intertwined with human rights values, human rights could not remain a mere appendix to a nation's laws but should be seen as the essence of human security.

70. There were limits to the effectiveness of international legislation in the area of discrimination and intolerance. The need for judicial interpretation and adaptation of the international treaties and declarations setting legal standards for the prevention of racism showed that issues of racial discrimination had to be approached by other means also.

71. His Government had taken steps to incorporate human rights further into Latvia's legislation and had implemented a social integration programme whose first year of operation was shortly to be evaluated at a special conference that would also serve as preparation for the World Conference against Racism. Education was a key aspect of the programme and the teaching of tolerance and diversity was the cornerstone of Latvia's education system, which was

being reformed in line with the recommendations of the Central and Eastern European regional expert seminar held in Warsaw in July 2000 in preparation for the World Conference.

72. Changing migration patterns had made Latvia a country of immigration and asylum rather than of emigration, as in the past. At the World Conference, therefore, his delegation wished to address the issue of racism arising from migration and asylum-seeking, as part of the theme of sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance.

73. His Government extended a standing invitation to all thematic special mechanisms of the Commission.

74. Ms. SCHELLONGOVÁ (Czech Republic) said that her delegation associated itself with the statement by the observer for Sweden on behalf of the European Union and associated countries.

75. The main cause of racism was fear of the unknown, fear of something not fully approved of. Instruments to combat racism had been developed at all levels but were not widely enough known; more effective use could be made of them. Protection against racism and similar phenomena was predominantly the responsibility of national Governments, and they should make full use of administrative and legislative provisions for prevention and deterrence and should mount awareness-raising and affirmative action campaigns. The Czech Republic, for example, issued annual reports on the activities of extremist groups and on the prosecution of racist offences committed by such groups, and had sponsored a nationwide campaign against racism. Draft legislation on minority rights was currently being debated in Parliament.

76. National Governments should also provide resources to support local and regional action on multicultural integration. The Czech Republic had allocated around US$ 550,000 to Roma integration projects and was providing credit guarantees for a European project on community housing for Roma.

77. At the international level, Governments should participate in projects promoting equality, as the Czech Republic was doing in the European Union's Programme of Aid for Central and Eastern Europe (PHARE) project on support for racial and ethnic equality. They should also accede to or ratify an international instrument against racism, such as the International Convention on the Elimination of All Forms of Racial Discrimination. States parties to that Convention should comply with their reporting obligations under article 9 and address the recommendations made in the Committee's concluding observations, and they were also urged, if they had not already done so, to make a declaration under article 14 of the Convention concerning individual communications.

78. Mr. PALWANKAR (Observer for the International Committee of the Red Cross) said that the World Conference should address the issue of non-discrimination in situations of armed conflict. ICRC, whose mandate was to protect and assist victims of armed conflict, had submitted concrete proposals for the draft declaration and programme of action.

79. The principle of non-discrimination underlay all international humanitarian law, which aimed primarily to protect the victims of armed conflict and to limit the means and methods of warfare. Contemporary humanitarian law, embodied in the four 1949 Geneva Conventions and their two 1977 Additional Protocols, specifically prohibited discrimination in a number of provisions relating to both international and non-international armed conflict.

80. ICRC, as guardian of international humanitarian law, believed that the proceedings and documents of the World Conference should reflect the importance of non-discrimination as a basic tenet of that law. States had a duty to take legal and practical measures to comply with treaty provisions prohibiting discrimination, both before an armed conflict broke out and during a conflict, including prosecuting and punishing those responsible for violations. ICRC considered that the Conference should pay appropriate attention to the issue of impunity and call on States to enact legislation prohibiting and punishing war crimes and enabling the application of the principle of universal jurisdiction in their prosecution.

The meeting rose at 9 p.m.

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SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 23 March 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 10.10 a.m.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF VIET NAM

1. Mr. NGUYEN Tam Chien (Viet Nam) said that, after years of arduous struggle and sacrifice, today the Vietnamese people had every right to be proud of its independence, one which Ho Chi Minh, the hero of the Vietnamese people, had said would be meaningless if it did not bring happiness and freedom to the people, i.e. ensure conditions for a decent existence. Those ideas were the basis of the Vietnamese perception of human rights. First and foremost was the notion of freedom, which at international level meant the right for each nation to choose its system of development and political institutions that suited it without any interference by other countries or societies.

2. Since the Declaration of Independence of 1945, Viet Nam had revised its Constitution several times and had enacted very complete legislation, which it had sought to translate into reality despite the difficulties caused by decades of war. At the international level, Viet Nam was party to eight core human rights instruments and it was convinced that civil and political rights must go hand in hand with economic, social and cultural rights.

3. Thanks to economic development in recent years, the Government continued to increase the percentage of the national budget allocated for social needs, especially to alleviate poverty in rural mountainous areas and for ethnic minorities. As a result of that policy, urban unemployment had declined from between 9 and 10 per cent during the period 1990-1992 to between 6 and 7 per cent during the period 1995-1999. The poverty rate had been reduced to 11 per cent in 2000. Literacy had been attained in all provinces and cities of the country and primary education had been made universal. More than 90 per cent of the population had access to health-care services. That policy, known in Viet Nam as Doi Moi, or renovation, had enabled every Vietnamese to benefit from the general improvement in living conditions.

4. However, much remained to be done for the Vietnamese Party and people to reduce poverty and modernize and industrialize the country. At the same time, the Vietnamese Government was pursuing its efforts so that all citizens could enjoy their rights, not only in Viet Nam's historical context, but also in line with the relevant international human rights criteria.

5. On the threshold of a new century and a new millennium, a constructive dialogue and cooperation on human rights questions must be started on the basis of equality and mutual respect.

STATEMENT BY THE UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS OF URUGUAY

6. Mr. VALLES (Uruguay) reaffirmed his country's unswerving faith in the democratic system, the only one capable of ensuring respect for human rights and dignity. As a country now at peace, Uruguay was working every day, in what was not always a favourable context, to guarantee that economic, social and cultural rights became a reality for all Uruguayans. The

Uruguayan Government and people alike were determined to see to it that society as a whole was based on tolerance and respect for diversity. It was in that spirit that the Uruguayan delegation had taken part in the preparatory work of the World Conference against Racism.

7. Eager to overcome the problems inherited from the past and work towards national reconciliation, the President of Uruguay, Mr. Jorge Battle, had refererred in his inaugural address of 1 March 2000 to the need to shed light on the fate of persons who had disappeared during the military dictatorship. The Peace Commission had been set up for that purpose. That was the latest phase in a reconciliation process that had begun in 1985 with the restoration of democracy and had then seen amnesty laws, the reinstatement of officials illegally removed from their posts and compensation for the family members of disappeared persons. That was an example of solidarity involving all the components of civil society, regardless of their religious or political persuasion. Uruguay was convinced that that same solidarity must also prevail at the international level, in particular with regard to vulnerable groups, namely, children, refugees, migrant workers, descendants of Africans, religious or ethnic minorities and all those living in poverty.

8. At the national level, Uruguay had given priority to programmes for the most underprivileged. Judging by the reports of ECLAC, Uruguay had received the best grade of all the Latin American countries for income distribution. Unfortunately, the protectionist policies of a number of industrial countries were slowing down Uruguay's development. There could be no real political and social stability and, consequently, respect for human rights as long as countries that produced basic commodities, such as Uruguay, did not have access to markets. Without economic progress, the material conditions needed to ensure respect for human rights could not exist. Thus, the time had come for the international community to be more alive to the interdependence of those factors.

9. As pointed out by President Battle at the Millennium Summit, it was not by attacking the effects that States would assume their responsibilities. The important thing was to attack the causes. In that context, the Uruguayan delegation urged the Commission to adopt a constructive rather than a penalizing approach to human rights. What mattered most on that sensitive issue was that the Commission should start a dialogue with States to get them to undertake to assume their responsibilities.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued) (E/CN.4/2001/20, E/CN.4/2001/21 and Corr.1 and E/CN.4/2001/22; E/CN.4/2001/NGO/5, 11, 28, 38, 41, 57, 58, 61, 62, 73, 155, 162 and 164; E/CN.4/Sub.2/2000/11 and Corr.1; A/55/304)

10. Mr. FAYSAL (Syrian Arab Republic) pointed out that, far from being on the decline, racism was spreading every day. Racism was not only like a virus, but a "mutant" virus to which technological developments and uncontrolled globalization gave new forms. Today, it was ubiquitous; no continent was spared and Muslims were very often its victims. But unlike what certain fanatics asserted, Islam was a religion based on equality and tolerance.

11. In Palestine, it was revolting to see those who passed themselves off as victims of racism employ its most despicable forms: by preventing Palestinians from having access to health care, education or even water, the Jewish settlers were engaging in racist behaviour of a particularly despicable kind. The measures taken by States to eradicate racism were clearly insufficient.

12. The Syrian delegation was grateful to South Africa for hosting the World Conference against Racism. It paid tribute to Nelson Mandela, who personified the fight against that scourge. Countries at the Conference should strengthen the commitment they had entered into in signing the International Convention on the Elimination of All Forms of Racial Discrimination; they must face the facts head on and stop employing a double standard with countries that pursued blatantly racist policies. They must also seek the roots of that evil, consider everything that helped sustain it, look for ways of redressing the injustice suffered by its victims and punish those responsible. It was to be hoped that there would be unanimity on that question in the international community at Durban.

13. Mr. LUKIYANTSEV (Russian Federation) said that the World Conference against Racism would be the major event of the year 2001. Its success hinged on the eradication of a phenomenon that had disastrous consequences for the daily life of millions of individuals. Racial discrimination, aggressive nationalism and ethnic conflicts were the source of a multitude of human rights violations, as stressed, among others, by the High Commissioner for Human Rights, Ms. Robinson, and the High Commissioner for Refugees, Mr. Lubbers.

14. Those phenomena were all the more alarming because they took on new forms, such as ethnic and religious extremism, whose victims were primarily members of minorities or stateless persons, aggressive separatism and terrorism. Russia considered that the expression "racial discrimination" should be expanded to be taken in the broad sense because it was a multifaceted phenomenon.

15. The World Conference should give priority attention to the question of protecting vulnerable groups, such as national, ethnic and linguistic minorities, whose actual situation was the main indicator of respect for human rights. Thus, the World Conference's final documents must be of a practical nature and contain specific suggestions to serve as guidelines for Governments and international organizations. It was not enough merely to denounce racism: the importance of education and citizens' initiatives in combating it must also be stressed.

16. Mr. AKRAM (Pakistan) said he was of the view that the World Conference against Racism must adopt a declaration and plan of action that served as a guide for future generations. Racism afflicted the lives of millions the world over and jeopardized relations among nations and peoples. The international community must identify instances of endemic and institutional racism in countries that prided themselves on their democracy, tolerance and pluralism. It must condemn all political platforms based on doctrines of racial, national, cultural or religious superiority and denounce them as grave violations of human rights. It was unfortunate that entire societies continued to consider themselves superior and attempted to impose their own values in the name of progress or, even worse, in the name of "human rights".

17. Islamic societies the world over were confronted with such a form of racism. The time had come to combat Islamophobia. The World Conference would take place at a particularly auspicious moment, 2001 being the year of the Dialogue among Civilizations. On that occasion, it was important to make a commitment to stand in the way of those who defamed the religions cultures of others or sought to impose their own values. Accordingly, the Pakistani delegation called upon civil society, and NGOs in particular, to cooperate with the Organization of the Islamic Conference and other member States to promote a world of mutual tolerance and understanding.

18. Poverty was often at the root of racism in the world. The rich looked down on the poor. Witness the problems facing migrants, who, because they were destitute, were the victims of prejudices. Hence also the need to promote the right to development everywhere.

19. The World Conference should also address the issue of trafficking, for purposes of prostitution, in women and girls, who were very often from developing countries. Cooperation must be stepped up at all levels in order to combat such trafficking and address its underlying causes, which, once again, were poverty and lack of education.

20. Mr. SUTOYO (Indonesia) reaffirmed the great importance which his Government attached to the question of racism, racial discrimination, xenophobia and all forms of discrimination. Despite the victory over apartheid, there continued to be a plethora of discriminatory practices in the world, leading to endemic conflicts that sometimes took on alarming proportions. That situation persisted, notwithstanding the adoption of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination in 1963 and the International Convention on the Elimination of All Forms of Racial Discrimination in 1965, the holding of two World Conferences against Racism in 1978 and 1983 and the elaboration of programmes of action. The forthcoming Conference thus provided a timely opportunity for the international community to renew its commitments and lay the foundation for a more just future based on recognition of diversity. In that connection, the Indonesian Government considered it essential to focus on prevention, which could be done only through education. High priority must be given to education, to which more resources must be allocated at all levels. The new information technologies could also be harnessed to promote the message of the oneness of mankind.

21. As a multicultural, multi-ethnic and multilingual society, Indonesia was currently beset by an economic crisis which, combined with the political transformation process, had had serious consequences. Riots had broken out in 1998 and, more recently, some parts of the country had been the scene of violent ethnic clashes. Indonesia must draw lessons from those tragedies and work to restore harmony and tolerance among the various ethnic and religious groups.

22. The Indonesian Government was determined to address the root causes of those conflicts and remove all discriminatory clauses from its legislation. That initiative was well under way. In 1998, the code on identity cards, which had contained discriminatory provisions regarding Indonesian Chinese, had been repealed and, more recently, Presidential Instruction No. 14/1967 prohibiting that community's customs and traditions had been revoked.

23. The Indonesian Government attached great importance to the preparations for the World Conference against Racism. A number of regional preparatory meetings and seminars had been held to devise strategies for combating all forms of racism and intolerance. During those meetings, differences of emphasis had emerged on the question of racism, depending on the region. Thus, the World Conference must lead to the adoption of a pragmatic declaration and programme of action which took due account of the main concerns of each region. Lastly, dialogue and consultation were of particular importance in overcoming the differences of opinion raised by a number of sensitive and contentious issues in the Conference's agenda. The next special debate in the Commission on Human Rights on the topic of tolerance and respect should promote that dialogue.

24. Mr. SOLARI (Argentina) said that he endorsed the statement made on behalf of the Group of Latin American and Caribbean States by the representative of Mexico concerning the determination of the countries of the region to guarantee the success of the next World Conference against Racism. He welcomed the reports of the Secretary-General (E/CN.4/2001/20) and of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2001/21).

25. The Regional Preparatory Conference, held in December 2000 in Santiago, Chile, had been an opportunity to reaffirm the underlying principles of the countries of the region in combating discrimination. The preparations for the World Conference against Racism and the proclamation of 2001 as International Year of Mobilization against Racism and Racial Discrimination placed those issues at the core of the Commission's work. Despite the progress made in establishing a universal legal framework for the prevention and elimination of racism and racial discrimination, it must be said that the international community had not succeeded in eradicating racial hatred or the most violent and terrible forms of intolerance. Discrimination, xenophobia and the spreading of ideologies based on racial hatred took various forms, from insidious practices to extreme violence, such as ethnic cleansing. In any case, they could not be regarded as isolated occurrences indicative of social ills, but as a violation of the fundamental rights on which democracy was based.

26. Argentina was no exception. It still experienced manifestations of racism and discrimination, notably anti-Semitism, although they remained isolated and sporadic. Determined to prevent and combat such phenomena, it had established institutions, such as the National Institute against Discrimination, Xenophobia and Racism (INADI) and the offices of ombudsmen, which were responsible for closely monitoring manifestations of racism and promoting tolerance at the national and provincial levels. Legislative and administrative measures had also been taken with a view to imposing heavy penalties on perpetrators of racist crimes, punishing persons who spread ideologies based on racial or ethnic superiority and making provision for compensation.

27. Argentina had recently introduced its fifteenth report in the Committee on the Elimination of Racial Discrimination and described in detail the measures taken to combat discriminatory practices, especially those targeting indigenous populations and immigrants from neighbouring countries. In that connection, a centre had been opened to receive complaints and take in, assist and counsel persons or groups that had been the victims of discrimination.

28. The fight against racism, racial discrimination and xenophobia gave countries the chance to carry out joint action and draw on the experience of others. The World Conference would be an opportunity to meet the great challenge of the dawning millennium and build the foundation of a more just world based on tolerance and the acceptance of others and their differences.

29. Mr. CHUNG Eui-Yong (Republic of Korea) said that, despite its untiring efforts, the international community had been unable to eradicate racism. As underscored by the Special Rapporteur in his report on the question (E/CN.4/2001/21), racism was an everyday phenomenon and had increasingly taken the form of xenophobia through the rejection of others and the defence of communalism, ethnocentrism and inter-ethnic conflict, as well as a disturbing resurgence of extreme right-wing movements.

30. Racism was rooted in intolerance, hatred and prejudice, which had sown the seeds of many tragedies, including genocide. There could be no peace without tolerance, and that was why the Republic of Korea attached particular importance to promoting a culture of tolerance. The World Conference against Racism had a daunting task. The differences of opinion on priorities that had emerged at the preparatory conferences might be overcome if participants adopted a forward-looking perspective. In that context, the special debate on tolerance and respect would provide the Conference with valuable input.

31. The Republic of Korea had acceded to the six major international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. It was one of 33 countries to have made the declaration under article 14 of the Convention recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals claiming to be victims of a violation of any of the rights set forth in the Convention.

32. Migrants were very often the targets of discrimination and racism in a number of regions. Illegal migrants were the most vulnerable because they were harassed and must work in intolerable conditions. Since coming to power in 1998, President Kim Dae-jung had made the defence of human rights one of his priority domestic and foreign policies. The rights enjoyed by legal foreign workers had been extended to undocumented workers to provide them with a social safety net and the children of undocumented foreign workers had been allowed to attend primary school.

33. Protecting human rights was first and foremost the responsibility of the State. Legislation, policies and human rights institutions were crucial to protecting society from racial discrimination. In that context, the delegation of the Republic of Korea was pleased to announce that a national human rights commission was about to be set up which would help strengthen the human rights protection machinery and promote education on human rights, including action to combat racism and racial discrimination.

34. Ms. SAUERBREY (United States of America) said that her Government was firmly opposed to racism in all its forms and manifestations because it was convinced that a democratic Government must serve all citizens, irrespective of their race, religion, gender or national origin. The United States had not always measured up to the high ideals which it had set for itself and its history had been marked by painful periods, especially for persons of African-American and

Native American descent. But it had made enormous progress and adopted a whole set of laws to promote tolerance, equal opportunity and racial justice and it had become the most ethnically, racially and religiously diverse nation on earth. Far from opposing such diversity, it had welcomed it, opening its borders to people from around the world who sought freedom and opportunity in the United States. President Bush had recently directed Attorney-General John Ashcroft to conduct a review of the extent of "racial profiling" by federal law enforcement authorities.

35. No country could claim to have eliminated discrimination and prejudice. Although racial and ethnic minorities had made tremendous strides in all areas in the United States, efforts must continue to create an environment that offered equality of opportunity in education. To that end, President Bush had decided that his Administration would do its utmost to ensure that no child was left behind. In an age of global markets, education was the key to individual empowerment and the Bush Administration and, in particular, Roderick Paige, the first African-American Secretary of Education, was determined to see to it that every child had the tools he or she needed to succeed.

36. The United States was deeply committed to the success of the World Conference against Racism. Eliminating racism would not be easy; to do so, all countries must work together, learn from each other's experience and focus on each country's policies and practices. Rather than judging and condemning, it was important to acknowledge the errors of the past - slavery and colonialism - so as to take on the challenges of today without further delay. One of those challenges was to put an end to all persisting forms of slavery and human bondage. The Conference must serve as an opportunity for articulating a new vision of the world in which racism, prejudices and intolerance no longer had a place. Governments had an essential role to play in combating those scourges, as did intergovernmental organizations, the private sector and non-governmental organizations. The participants in the Conference must give the necessary attention to the many programmes that had enabled non-governmental organizations to achieve excellent results in the fight against racism.

37. It was high time to put an end to racism, intolerance and xenophobia, for the future depended on it. It was important to work together to achieve change and make the Conference a milestone of progress.

38. Mr. SAHRAOUI (Algeria) said that, like a virus, racism had mutated to adapt to today's world and take over all the spaces that might be the source of the rejection of others and discrimination. As pointed out by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, those new manifestations were found in particular in developed countries. In some of those countries, leaders no longer hesitated to refer to "national preference" in their political speeches, to use expressions such as "non-national", "new immigrant" or "illegal foreigner" in their regulations and to implement exclusionary policies and racist immigration measures. Political parties and extremist and xenophobic organizations were proliferating in those countries. Moreover, some media held foreigners responsible for all the country's ills and conveyed ideas that encouraged racism and xenophobia. In schools, textbooks taught children to accept racial stereotypes, which had the effect of entrenching discrimination in society as a "politically correct" phenomenon. Segregationist practices were current not only in connection with access to employment and

housing, but also in relations with the administration and in the jurisprudence of the courts, which were often lenient towards perpetrators of racist acts. The situation was particularly serious because it was prejudicial to the fundamental values of solidarity, fraternity, co-existence, equality and justice for all members of society.

39. Algeria called on countries that had such a situation to combat and eradicate racism and discrimination by refusing electoral vote-catching and political opportunism and returning to the principles set out in the Universal Declaration of Human Rights. It also urged them to reform their school system, make racist acts punishable by law or, where that was the case, implement legislation effectively for all segregationist practices and not legalize, but disband racist, extremist and xenophobic political parties and organizations. Those and others measures, such as recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from persons or groups claiming discrimination, would contribute to the harmonious development of those countries.

40. Algeria endorsed the comments by the High Commissioner for Human Rights at the forum on racism and racial discrimination recently held in Stockholm that globalization and the use of the Internet were conducive to the spread of racism and intolerance in the world. The merging of markets and economies unquestionably broadened the gap between nations and peoples, exacerbated institutionalized racism and created new forms of exclusion and marginalization. While States encouraged the movement of capital and goods, they discouraged, restricted and even penalized movement of persons and emigration movements, usually from South to North.

41. The World Conference against Racism, which would be held in September 2001, was an excellent opportunity for all peoples and countries to take stock, address problems candidly and adopt resolutely pragmatic and concrete prevention, education and protection measures to help put an end to racism.

42. Mr. NGOUBEYOU (Cameroon) said that the agenda item under consideration was of great importance because it was very disconcerting to see that racism, racial discrimination, xenophobia and related intolerance were everyday occurrences. Race, nationality, ethnicity and religious beliefs, which had become either the primary causes of human rights violations or pretexts for perpetrating such violations, had sometimes led to such crimes as genocide and the exclusion of part of society from involvement in economic and social life. It would be utopian to think that any country could claim to be racially or ethnically homogeneous. Hence the need to ban or prohibit the notion of race or ethnic group as the sole basis for determining nationality or at least take measures to prevent such a concept from spreading. Cameroon was proud of its diversity, which made it unique and strong.

43. The World Conference against Racism must take account of the special sensitivities of each continent which had become apparent during the preparatory process. The Conference must project itself into the future, define concrete guidelines and put the issues under discussion in their true historical context, relying on the facts of everyday life to find lasting solutions.

44. The racist and discriminatory practices of which migrants, refugees, asylum-seekers and unemployed foreigners were the victims must be discouraged. A study should be undertaken with a view to preventing racist propaganda, notably via the new communications media. It was also necessary to encourage respect for the right to development because poverty and great economic inequality could give rise to racist incidents. The Cameroon Government firmly supported the declarations and decisions adopted by the African Regional Preparatory Conference in Dakar in January 2001. It hoped that the World Conference would result in the creation of effective machinery for following through on its recommendations and decisions and an international body to monitor racist behaviour, as well as the establishment of an international fund to compensate the victims of slavery, racial discrimination and related intolerance.

45. In closing, he hoped that the Conference would pave the way for a future without discrimination based on race, language, colour or religion.

46. Ms. PILIP (Romania) said that her country endorsed the declaration made by the Minister for Foreign Affairs of Sweden on behalf of the European Union. Romania had made the promotion of human rights in general and action to combat all forms of discrimination in particular essential aspects of its policy. She supported the efforts by the international community to combat the many manifestations of racial discrimination, intolerance and xenophobia that persisted around the world.

47. It was not sufficient to punish those who committed racist acts. The attention of law enforcement officials and the population as a whole must also be drawn to the need to uphold and defend the values of human dignity and tolerance. Non-governmental organizations and the media had an important role to play in that regard. It was important to stress in that connection that the freedom of expression of some must not be exercised at the expense of the dignity of others.

48. It was in that spirit that Romania had organized various seminars and symposia in 2000 on action to combat racism and conducted information campaigns for young people and law enforcement personnel, particularly through the intermediary of the Romanian Institute for Human Rights.

49. Concerning the rise of the extreme right in Romania, to which the Special Rapporteur on contemporary forms of racism had referred, it should be pointed out once again that there was a close correlation between civil and political rights, on the one hand, and economic, social and cultural rights, on the other. In Romania, but also in many other democracies, the population had manifested its discontent about the deterioration of the economic and social situation by voting for populist and even extremist parties, which claimed to have instant solutions to very complex problems. Although, according to recent opinion polls, the popularity of those extremists was declining, it had to be said that today the Great Romania Party was an important force in the Romanian Parliament.

50. Romania hoped that the World Conference against Racism would promote a general awareness of the seriousness of racism and the need to take action on both its effects and causes. The World Conference should also work to bring about the smoother functioning of international

organizations responsible for combating racism and the strengthening of their cooperation with States. For its part, Romania was prepared to contribute to the success of the Conference, as shown by the Symposium on Racism currently being held in Bucharest.

51. Ms. LAOHAPHAN (Thailand) said that, although racism was not new, advances in technology and globalization were facilitating the spread of racist hatred in all walks of life. Women and children were its main victims. It was important to attack its root causes, whether economic, social or political, through prevention, education and socialization. From an early age, children must be made aware of the richness of cultural differences.

52. Racism and racial discrimination were not isolated phenomena. They were linked to a whole set of other factors, such as poverty, illiteracy, hunger, unemployment and poor health. Thus, the fight against racism must go hand in hand with the implementation of fundamental political, economic, social and cultural rights.

53. In combating exclusion and discrimination, the State could play a catalytic role and must be supported by many other social forces. Civil society, non-governmental organizations, the advertising industry, the media and the private sector must also fight prejudice and stereotypes and help create a culture of tolerance and respect for diversity.

54. An international political and economic order must be fostered that encouraged participation in decision-making by all. The United Nations and its specialized agencies must include the issue of racism and racial discrimination in all its activities. Emphasis must be placed on the prevention of racial discrimination in all areas, including at the economic, social, political and legal levels, in particular with regard to women.

55. For Thailand, it was very important that the World Conference against Racism was being held in Durban in South Africa. Thailand thanked the High Commissioner for Human Rights, Ms. Robinson, for the efforts and energy she had put into the preparations for the Conference. Her visit to Thailand in March 2001 had helped heighten public awareness of the theme of the World Conference and the promotion of human rights. On that occasion, the Prime Minister of Thailand had signed the Declaration on Tolerance and Diversity, which had been translated into Thai and widely distributed to the public.

56. The goodwill ambassadors, including a Thai national who was the former Miss Universe, Ms. Pornthip Nakhirankanok, could make a significant contribution to raising awareness of the objectives of the Durban Conference.

57. Thailand would like to see the results of the work of the expert seminars and the regional preparatory conferences incorporated into the draft declaration and programme of action of the World Conference. The Newsletter of the United Nations High Commissioner for Human Rights on the Durban Conference should also be more widely disseminated.

58. Thailand would participate actively in the preparatory process leading up to the Durban Conference. It had established a national committee, chaired by the Minister for Foreign Affairs, with a mandate to consider whether Thailand should become a party to the International

Convention on the Elimination of All Forms of Racial Discrimination prior to the Conference and to raise public awareness of the question of racism, in particular by keeping the public informed about United Nations activities in the run-up to the Conference.

59. Thailand would take part in a spirit of cooperation and mutual understanding in the second meeting of the Preparatory Committee, to be held in May 2001. Although it was important not to forget the past in order to avoid repeating the same mistakes, it was also essential to be forward-looking and to make the World Conference a major stepping stone towards a world that respected cultural uniqueness and diversity and was free of all racial prejudice.

60. Ms. ACOSTA (Mexico) said that more than half a century after the adoption of the Universal Declaration of Human Rights, which proclaimed that human beings were born free and equal in dignity and rights, no country was spared violations of human rights and racial discrimination, the latter manifesting itself in particular through exclusion and the resurgence of a superiority complex in certain groups. In recent years, racial and ethnic tensions had been the source of many armed conflicts which the international community had not been able to prevent and in the course of which war crimes and crimes of genocide had been committed.

61. It was urgently necessary to combat discriminatory policies and laws, for which there could be no justification, not even national sovereignty. Some developed countries must amend without delay immigration and population laws which, far from combating such phenomena, sometimes tolerated the racial discrimination and xenophobia of which migrant workers, in particular those without papers, were the victims. Xenophobia and intolerance could not be condoned in the name of freedom of expression, especially when they were manifested via new means of mass communication, such as the Internet.

62. Non-governmental organizations had a vital role to play both in preparing the World Conference against Racism and in following through, at the national and international levels, on the implementation of the plan of action which the Conference would adopt. Special attention must be given to the discrimination and xenophobia of which certain groups were the victims, especially immigrants and migrant workers and their families.

63. In that connection, the World Conference against Racism appealed to States to ratify without delay the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Four ratifications were still needed before the instrument could enter into force.

64. President Fox Quesada had announced that holders of human rights mandates could come to Mexico whenever they wished, that Mexico would accede to those human rights instruments to which it was not yet a party and that the Government planned to make the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.

65. In that connection, the Government recognized that indigenous persons in Mexico were clearly one of the groups which, having suffered most from discrimination, were also the poorest and most excluded. Eager to establish new and constructive relations with Mexico's indigenous

peoples, President Fox's Government would therefore continue to stress how important it was for the Union Congress to consider shortly a bill which, pursuant to the San Andres Agreements concluded in 1996 between the Mexican Government and the Zapatista National Liberation Army, recognized and fully protected the rights of Mexico's indigenous peoples.

66. President Fox's Government was determined to conduct a crusade against racial discrimination at the national and international levels. In that spirit, it was actively involved in the preparations for the World Conference against Racism.

The meeting rose at 1 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 23 March 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.20 p.m.

STATEMENT BY THE MINISTER FOR LAW, JUSTICE AND HUMAN RIGHTS OF PAKISTAN

1. Ms. JAMIL (Pakistan) said that her country's founder had envisioned Pakistan as a prosperous and democratic Islamic State. In recent years, however, its institutions had been eroded, with massive overstaffing and national resources diverted from basic services to fund civil service salaries.

2. The current Government was characterized by heightened gender-sensitivity. For the first time in Pakistan's history, several women had been appointed to key decision-making positions and a National Commission on the Status of Women had been established. Moreover, the law had been amended to enable women married to foreigners to claim Pakistani citizenship for their children. Remarkably, women had been allocated 33 per cent of the seats in local councils, with 44,000 of them thus being on the verge of political empowerment.

3. The new Government was seeking to strengthen the prison service, judiciary and police. Thousands of persons awaiting trial had been held in prison for periods longer than the sentences they could receive for the crimes they had committed. Makeshift courts were thus being set up in the vicinity of the prisons to ensure speedy access to due process, particularly for women prisoners and juvenile offenders. Since the judiciary had also suffered neglect in recent years, the Government was instituting measures to improve its working methods.

4. As for the police forces, they had been rendered so operationally incapable under the previous Government that a blood test in their laboratories could serve only to differentiate between samples of "animal" or "human" origin. Crime - such as murder, car theft, abductions and violence against women - had reached a height, as had police corruption and political patronage of criminals. Law and order had deteriorated to such an extent that terrorism had begun to take a hold on society. Police reforms were thus a serious priority for the current Government.

5. On health, the archaic Lunacy Act of 1912 had been replaced by the Mental Health Ordinance of 2001. Persons attempting suicide would henceforth be treated in psychiatric facilities. Moreover, the right of consent to treatment of a mentally disturbed patient would no longer be overridden by a relative, but would require the recommendation of two psychiatrists.

6. Her Government attached the highest priority to reviving the economy and combating mismanagement and corruption. Sustained economic growth would, however, require a major restructuring of Pakistan's heavy external debt, as well as improved market access.

7. Despite external and domestic constraints, her Government was vigorously pursuing a poverty-alleviation programme. Resources were being diverted from defence to social services, with a focus on improving public health. Other measures included: employment-generation, the introduction of microcredit schemes, the launching of rural and urban development programmes in the poorest districts, the restructuring of major civilian and revenue-generating institutions, and the introduction of corporate management structures in public sector organizations.

8. Faced with some serious incidents of sectarian violence, the Government had recently initiated a dialogue with all the religious parties in the country. The display of arms had been banned, as had public fund-raising for religious parties. The recent execution of a diehard sectarian terrorist had sent a clear signal to the public that nobody was above the law.

9. An ambitious human rights and social agenda was also being pursued with the cooperation of civil society. As follow-up to the first National Convention on Human Rights and Human Dignity held the previous year, legislation had been promulgated to abolish the death penalty for minors, child labour rehabilitation centres were being established, the indiscriminate use of bar fetters had been banned, and a permanent commission to undertake police and prison reforms had been established.

10. Pakistan's socio-economic problems had been exacerbated by the prolonged conflict in Afghanistan. The country continued to host more than 2 million Afghan refugees and there had been a consequent increase in religious extremism and an inflow of arms. The country's adversaries resorted to terrorist violence and lawlessness and also sought to defame Pakistan in the international arena.

11. Her Government had made great efforts to moderate and modify the policies of the Taliban, including during the recent desecration of Buddhist statues in Afghanistan. With a view to promoting peace, stability and prosperity in South Asia, the international community must, indeed, engage with the Taliban Government. It was, after all, a reality, given that it exercised control over 90 per cent of the country. The Commission must also help generate an adequate response to the major humanitarian crisis unfolding in Afghanistan, which would have serious repercussions for Pakistan.

12. A resolution of the dispute over Jammu and Kashmir was also essential to peace in the subregion, especially since it could become a nuclear flashpoint. Her Government had, for its part, unilaterally withdrawn its troops on two occasions, had exercised maximum restraint along the line of control, and stood ready to engage in unconditional talks with all parties. The right of the Kashmiri people to self-determination must not be obliterated by the use of brutal military force and human rights violations on the part of India. Since India and Pakistan had never been able to resolve any major dispute bilaterally, the international community must engage constructively with both sides. The Commission must not eschew that responsibility.

13. Lastly, she paid warm tribute to the High Commissioner, expressing surprise and regret at her decision not to seek a second term of office.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued) (E/CN.4/2001/20, 21 and Corr.1 and 22; E/CN.4/2001/NGO/5, 11, 28, 38, 41, 57, 58, 61, 62, 73, 155, 162 and 164; E/CN.4/Sub.2/2000/11 and Corr.1; A/55/304)

14. Mr. GUILLERMET (Costa Rica), having endorsed the statement made by the representative of Mexico on behalf of the Group of Latin American countries, said that respect for human rights lay at the heart of his country's foreign policy. Costa Rica had formed its

identity as a multicultural and multi-ethnic nation thanks to the contribution made by distinct ethnic groups such as those of Afro-American descent, the indigenous communities and migrant groups.

15. The Costa Rican Congress was studying the possibility of adopting a bill to reform article 1 of the country's Constitution so as to establish and recognize its multi-ethnic and multicultural character. A wide-ranging consultative process, which had been held in that connection in the autumn of 2000, had resulted in the development of a national policy to combat racism, racial discrimination, xenophobia and all forms of discrimination, which would shortly be introduced by the country's President.

16. Costa Rica considered that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in South Africa, later in the year, would be of great importance, and expressed the hope that the efforts made both during its preparation and at the Conference itself would result in recommendations of universal value as well as helpful tools to prevent and combat modern forms of racism, racial discrimination, xenophobia and related intolerance.

17. Mr. REYES RODRÍGUEZ (Cuba) said that new and more sophisticated forms of racism, racial discrimination and xenophobia were appearing and becoming stronger in various parts of the world. They were most alarming, perfidious and subtle in the industrialized countries of Western and Eastern Europe and North America, where ultra-rightist and neo-fascist ideas were gaining ground. In some countries racist political groups were even financed out of State budget resources. Cuba called upon all States to implement forthwith article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.

18. Manifestations of racism were generated and aggravated by various factors, including the unequal distribution of wealth within countries and the widening gulf separating the North from the South, as well as the worsening economic situation resulting from the liberalization of markets and the globalization of the world economy. Racial and ethnic minorities and migrants were the victims not only of verbal and physical violence by extremist groups but also of institutionalized racism on the part of repressive police forces. Greater attention should be paid to the way in which the Internet was being used to spread ideas based on racial superiority and hatred.

19. Of all the countries in the world none provided a better example of the systematic institutionalization of racism than the United States of America, in which people of African descent were denied formal recognition of their civil and political rights until barely three decades previously. The average annual income of a white family in the United States was still about double that of an Afro-American family. Black men were 13 times more likely than white men to receive long prison sentences in drug-related cases, even though most of the drug traffickers were white. Afro-American and Hispanic populations in the United States were subjected to environmental racism, deprivation of their patrimony, exclusion and segregation. As a matter of urgency, the Commission should call on the Government of the United States of America to put an end to its State racism.

20. In some countries of Eastern Europe, particularly the Czech Republic, the Roma minority was subjected to racial discrimination and violence.

21. The World Conference could be a turning point in compensating the victims of racism. Slavery and the transatlantic African slave trade and its current consequences should be regarded as crimes against humanity, and the victims and their descendants should thus receive the moral vindication they deserved as well as proper compensation in accordance with the internationally recognized regulations.

22. Ms. KUNADI (India) said that her country's preparations for the World Conference had been enriched by the establishment of a national committee made up of leading thinkers, sociologists and academics, which was to engage in wide-ranging consultations with the members of civil society. India wanted the World Conference to be focused, constructive, forward-looking and devoid of recrimination. That would be possible only if everyone concerned showed the courage and sagacity to face up to the heinous racist acts of the past. Careful consideration should, however, be given to the desirability of an approach which could become mired in the past, seeking solutions that might serve merely to reopen old wounds. Enough time must be allowed to give attention to the serious current manifestations of racism.

23. Apart from theories of racial superiority, there were a number of important sources and causes of racism and racial discrimination. They included glaring economic disparities between various parts of the world, bigotry, chauvinism and violence in the name of distorted religious values, the absence of democracy, constitutional order and the rule of law, political concepts in which foreigners were regarded as rivals or competitors, and immigration, citizenship and refugee laws with racist overtones. Modern communications technologies, including the Internet, were also a convenient tool in the hands of those spreading racial hatred.

24. Her Government was strongly opposed to the deliberate attempt by some to dilute the focus of the World Conference by broadening its scope to forms of discrimination not related to racism and racial discrimination. The World Conference should call for effective recourse and remedies for victims of racism and racial discrimination, should encourage the promulgation of stringent national legislation against racism and its strict implementation, the setting up of independent national institutions and the introduction of affirmative action in respect of disadvantaged segments of the population, and should pay special attention to the adverse impact of racism and racial discrimination on vulnerable groups, such as women, children, refugees and racial, national and linguistic minorities. The World Conference should focus on the important role of education and information in changing social attitudes and should encourage the mass media to promote ideas of tolerance and understanding among peoples.

25. There was a need for urgent steps to invigorate action at the national level against racism and racial discrimination. United Nations activities in that arena had, regrettably, always been starved of finances. The Office of the High Commissioner for Human Rights (OHCHR) had, however, taken a number of initiatives in the run-up to the World Conference, and her Government hoped that those initiatives would be further advanced and not allowed to fade away afterwards. The Indian delegation would work tirelessly to ensure that the World Conference did not restrict itself to pious words and lofty ideals but would be able to initiate actions with a long-lasting impact.

26. Mr. JAKUBOWSKI (Poland), having associated his delegation with the statement by the observer for Sweden on behalf of the European Union, said that his Government firmly believed that the international community would be able to overcome the differences of opinion which had emerged during the preparatory process of the World Conference, and would make it a success.

27. In July 2000, his Government, in cooperation with OHCHR, had hosted a regional seminar of Central and East European experts to discuss the protection of ethnic minorities and ways of strengthening human rights at the national level in the run-up to the World Conference. The discussion had focused on intolerance and racism in Central and Eastern Europe with particular reference to discrimination against ethnic minorities, immigrants and asylum-seekers and anti-Semitism. The participants had highlighted instances of ethnic and national consciousness flickering into life in apparently homogeneous societies, but had emphasized that national awakening had not everywhere exploded into conflict and ethnic violence.

28. The countries which, after the collapse of Communism, had rebuilt their democratic institutions and human rights protection systems had succeeded in rolling back serious internal tensions, and nowhere had the parties that were committed to crude, flag-waving nationalism, racism and anti-Semitism asserted their influence on State policies. Poland, which placed a high value on the ideals of open civil society, did its utmost to counter such threats by means of legislation, improved administrative practices, special educational programmes, and local governmental and non-governmental initiatives.

29. Mr. ATTAR (Saudi Arabia) welcomed the efforts that had been made to prepare for the World Conference, and particularly the role of the High Commissioner for Human Rights as its Secretary-General. His Government hoped that the World Conference would be successful in adopting, by consensus, a practical and comprehensive Declaration and Programme of Action which reflected the anxieties, views and aims of all States and expressed the concerns of regional groupings. Everyone had an obligation to oppose all ideologies based on racial superiority and intolerance.

30. Saudi Arabia was gravely concerned at the widespread manifestations in some societies of discrimination against adherents of Islam and at the attempts to associate Islam with negative phenomena such as terrorism and intolerance. All such attempts, and particularly those made by some non-governmental organizations (NGOs) and some of the mass media, were acts of discrimination against Islam as a religion and against its adherents as human beings. They had to be thwarted, especially since those who were seeking to distort the image of Islam and Muslims were either acting on the basis of a deliberate misunderstanding or trying to further political aims.

31. His Government hoped, therefore, that the World Conference would produce universally acceptable results that reflected his country's apprehensions concerning continued discrimination against Islam and Muslims. It also hoped that the World Conference would produce a practical strategy that would form a basis on which to combat and eliminate all forms of racism through the adoption of educational and cultural policies that promoted the rejection of racist ideas, advocated equality, justice and tolerance for all, and encouraged national, regional and international cooperation to eliminate that odious phenomenon.

32. Mr. AL-THANI (Qatar) said he was looking forward to the forthcoming World Conference, which would demonstrate that the world community stood four-square against the flagrant abuses of human values witnessed in the twentieth century, with its toll of genocide and ethnic cleansing.

33. Islam, like the other revealed religions, had fought racism in all its forms. It had put an end to racial discrimination on the basis of class; had created a social order based on freedom and justice; and had developed mechanisms to promote and develop its values. The process of education must continue, however, and the media had a particularly important role to play in the struggle against ignorance and prejudice.

34. Mr. MOHAMED (Kenya), speaking on behalf of the African Group, said that the Group was committed to ensuring that the World Conference would make a tangible difference for victims and for all those vulnerable to racism, with specific measures to promote the noble principles of equality, tolerance and non-discrimination. It was, however, gravely concerned about the slow pace of the work of the inter-sessional open-ended working group of the Preparatory Committee, important though the procedural questions that had arisen were. If the backlog was to be cleared, all delegations must show commitment in addressing issues of substance during the remaining sessions. The Committee Bureau should continue to meet and resolve any remaining procedural problems.

35. For the Conference to succeed, it must come up with some creative and effective ways of combating racism and related intolerance. All parties should therefore be ready to acknowledge that there had been historical injustices, particularly slavery and colonialism, that needed to be remedied. Only through such collective action could the memory of the past be healed and a common future charted. It was also important to take action to shield and protect victims and vulnerable groups from acts of racism, as well as devising measures to prevent their occurrence.

36. The African Group condemned the existence of new forms of racism. In particular, it wished to highlight the problem of extreme right-wing political parties and the role they played in promoting racism, xenophobia and intolerance. It was most regrettable that they were accorded legal status through registration and allowed to operate freely in spreading racist propaganda. There was a glaring contradiction between the legal sanction of such activities on the basis of freedom of speech and the legal and moral obligation to put an end to racism. It was to be hoped that the Conference would recommend a set of minimum standards regarding the use of the Internet to spread ideas of racial superiority and intolerance.

37. The Conference should also address the media's negative portrayal of Africa which entrenched racism still further. The Group would like to see the Conference recommend measures, including codes of conduct, to steer the media towards the objective coverage of events throughout the world.

38. Lastly, the Group welcomed the decision to hold an additional session of the open-ended working group, in the expectation that it would not get bogged down in procedural matters but would devote itself entirely to substantive issues. By the time the Conference began, as much consensus as possible would thus have been reached on the draft declaration and programme of action and the success of the Conference would thus be ensured.

39. Ms. AIT-MOHAMED PARENT (International Federation of Red Cross and Red Crescent Societies), having endorsed the statement made the previous day by the representative of the International Committee of the Red Cross (ICRC), said that her organization had long worked, directly or indirectly, against racism. At its twenty-seventh International Conference, an agreement had been reached to promote tolerance, non-violence in the community and respect for cultural diversity. Similarly, Strategy 2010 stipulated that the Red Cross and Red Crescent should defend individual and collective values and seek solutions for community problems, in close coordination with the ICRC. Many national societies had taken action to counter discrimination directed against asylum-seekers, immigrants, HIV/AIDS sufferers or disabled persons and to promote a culture of non-violence. Such action was in the hands of the 176 national societies, served by 97 million volunteers, a large majority of whom were women and young people. The young people were the most active in working against racism and setting up integration programmes such as those recently established in Colombia and France.

40. Mr. NORDMANN (Observer for Switzerland) said that, for the World Conference to produce a real impact, a number of criteria would need to be met. Action must be credible and coherent; measures should have a long-term perspective; flexibility should be shown in the face of new situations; a balance should be maintained between punishment and prevention; the necessary resources must be available; thought must be given to the treatment of those discriminated against; and NGO experience should be used to the full. At the Conference, his delegation would stress the importance of non-discrimination in times of armed conflict, with particular emphasis on the need to respect the Geneva Conventions.

41. His delegation was in favour of the establishment - or where they already existed the strengthening - of independent, specialized institutions, such as the Federal Commission against Racism in Switzerland. Such bodies could act as observation, information and statistical centres covering racial incidents and promoting research. They could also create links between various sectors of civil society. Above all, they should provide support for the victims of racist acts and for vulnerable groups.

42. The Internet was of great importance in the fight against racism. It could play a positive role, with the establishment of, for example, sites dealing with good practices or awareness-raising networks. His delegation was, however, concerned at the negative use to which the Internet could be put; it was essential that the World Conference find a coordinated international approach to dealing with the dissemination of racist material and incitement to racial hatred.

43. Lastly, all victims of racist acts should have access to the law and the right to compensation for any damage. To that end, his Government intended to make racist acts prosecutable under criminal law, in accordance with the recommendation of the Committee on the Elimination of All Forms of Racial Discrimination thus encouraging the victims of such acts to overcome the psychological obstacles to complaining to the police. Governments could do only so much, however. The struggle against racism should be waged every day by all institutions and by civil society in general.

44. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that, despite the international community's stated intention to combat racism and racial discrimination, ugly manifestations of racism, together with theories of racial and cultural superiority, persisted. It was to be hoped that much would be achieved by the World Conference. In that connection, he was proud that his country's contribution to the preparatory meetings had resulted in the Tehran Declaration and Plan of Action.

45. In the first place, particular attention should be paid to the fact that the principal objectives of the three Decades to Combat Racism and Racial Discrimination had not been attained. Secondly, a genuine acceptance of cultural diversity, and international efforts to promote understanding between different cultures, was essential if attempts at cultural domination were to be countered. Thirdly, the issue of Palestine and the plight of Palestinian refugees and displaced persons as victims of racism were another field of concern. Fourthly, Muslims generally were becoming targets of racist and xenophobic attacks and the phenomenon of Islamophobia should receive due attention. Fifthly, the misuse of new information technologies, such as the Internet, to propagate racial hatred was also a matter of concern.

46. Doctrines of racial superiority and political platforms based on racist attitudes should be eliminated, for they tended to widen the existing gap between the North and South. The latter was often denied its rights to equal opportunity when political and economic decisions were to be made. Equal participation by all countries in the formulation of a just and inclusive international order was an integral part of the struggle against racism.

47. Ms. BIGI (Observer for San Marino) said that, in an age of globalization, no country or society could remain indifferent to the problem of racism and racial discrimination and to the appalling acts of ethnic cleansing, genocide, slavery and physical or verbal violence that were taking place on a daily basis. The World Conference gave the international community an opportunity to confront the issue seriously and constructively. The preparatory meetings should not restrict themselves to words but be action-oriented and give States practical targets at which to aim.

48. Many aspects of future action were important, but her delegation considered the most crucial to be education, at the national and international levels. Educational systems should be based on respect for human rights; young people should be taught to overcome inherited prejudices and racist, ethnic or religious hostility; the history, culture and traditions of other peoples - particularly those considered the most marginalized and vulnerable - should be given proper attention; and all strata of society should be urged to develop an anti-racist communal awareness. Schools were important in that regard, but also the mass media and, above all, the Internet, which was both incredibly efficient and terribly dangerous.

49. Mr. MADI (Observer for Jordan) said that racism represented a serious violation of human rights. New forms had arisen, and ideologies of racial supremacy continued to grow. The misuse of new communication technologies such as the Internet for inciting racial hatred must be addressed at the international level. Islamophobia - a clear manifestation of xenophobia and intolerance - was of particular concern to the Muslim world. To combat racism, it was

necessary to emphasize peace, tolerance and education and to foster diversity. The World Conference presented an opportunity for the member States to renew their commitments to combat such phenomena and to make the Conference a milestone in the collective effort to create a better and more humane world. The lessons of the past must be drawn upon in the elaboration of action-oriented goals. A world in which racial harmony existed and diversity was respected was not too much to hope for.

50. Mr. MAUTNER-MARKHOF (Observer for Austria) said he hoped that the World Conference would provide strong recommendations on human rights education, which represented the best investment for fostering tolerance and respect for others. Convinced that legal provisions alone would not eradicate racism and xenophobia, his Government had introduced human rights courses into the schools, as well as special training programmes for the police, security personnel and the judiciary. Given the value to society of cultural diversity, the protection of minorities had been made a further priority, with legislative and other measures introduced to safeguard their language, culture and identity.

51. His Government was working for a world in which racism, anti-Semitism, xenophobia, Islamophobia and other forms of intolerance had no place. Austria had a higher rate of foreigners per capita and hosted more refugees and displaced persons than most European countries. Concerted efforts had been made fully to integrate such groups into society.

52. His delegation had taken note of the corrigendum to the report by the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance (E/CN.4/2001/21/Corr.1). It did not, however, faithfully quote the words of the three sages (E/CN.4/2001/21, para. 4). He wished to emphasize once again that Austrian legislation strictly prohibited and criminalized neo-Nazi activities. Moreover, the Head of the Austrian Government and the Foreign Minister had strongly dissociated themselves from the cited statement by Jörg Haider (who was not, incidentally, the leader of the Freedom Party (FPO)). They had also publicly warned against political discourse capable of inciting anti-Semitism, racism or xenophobia.

53. Monsignor PEÑA (Observer for the Holy See) said that, at the dawn of the new millennium, the persistence of racism, racial discrimination, xenophobia and other forms of related intolerance was at the root of many of the ills of society. The decision to hold a World Conference on the subject reflected the determination of the international community to combat such phenomena which affected the basic rights of people everywhere.

54. The international community must not allow itself to forget the past, nor could it ignore the tragic predicament of current victims of racism. It was only by acknowledging the truth that a better world could be created: a world based on the solidarity of all the members of the human family. In a world marked by conflict and violence, dialogue was a vital tool for creating a civilization of love and peace. Education was also an important instrument for preventing racism, promoting human rights and fundamental freedoms and for fostering understanding, tolerance and friendship among all nations and groups.

55. Pope John Paul II had recently stressed the Church's role in defending human rights and combating discrimination and had underlined the importance to society of spiritual and religious values. The Holy See and the Catholic Church were taking concrete action with respect to education: there were currently 170,000 Catholic schools in the world, 30,000 of them in Europe alone.

56. Mr. SALAMA (Observer for Egypt) said that international cooperation on human rights was essential in the fight against racism. As the world shrank, intolerance and xenophobia paradoxically grew. The World Conference was but one step in a major undertaking to which effective follow-up would be essential. It was vital, too, that the diverse concerns and views of the different regions of the world should be fully reflected in the programme of action. In the preparatory process, the importance of mutual understanding and dialogue could not be overemphasized. All regions agreed on the importance of learning lessons from the past and of facing up to current responsibilities. In that connection, the occupation of Palestine by Israel was a clear manifestation of racism.

57. Mr. SFEIR-YOUNIS (World Bank) said that the forthcoming World Conference was fundamental to the future of humanity. Access to opportunities, empowerment and inclusion represented just three of the many avenues to a world free from racism and discrimination. During the preparation process for the Conference, all actors had been made aware of the importance of their mandates and all affected groups had been identified. Although some remedies had been outlined, special attention was required to select the most effective instruments for eliminating that human malaise once and for all. The Bank would continue to assist developing countries in moving towards that goal.

58. In preparing for the Conference, it was important to recognize that racism and discrimination represented a global problem linked directly to the violation of human rights, that development resources did not always reach the most vulnerable population sectors and that the targeting of blame would result only in single issues politics.

59. The Bank had made important contributions towards eliminating racism and discrimination, particularly through programmes benefiting women and minorities. The elimination of discrimination, racism and xenophobia was not only a matter of distributive justice but was central to the sustainability of peace, social stability and economic development everywhere. In that context, good economics had helped many societies to eradicate those problems.

60. The Bank could play a vital role in assisting with the formulation and implementation of agreements and in providing assistance to Governments in their efforts. Country ownership of programmes was essential, since solutions depended on the participation of those directly affected. It was necessary to focus on the issue of affordability to ensure that anti-discrimination programmes actually enhanced the material well-being of people.

61. The Bank had an important role to play in activities associated with the World Conference, particularly in view of its mandate on poverty eradication, its new rural development policy, its gender-discrimination and indigenous peoples policies, its assistance in the strengthening and reform of justice systems, its microcredit programmes, its assistance to small and medium-sized enterprises, and its focus on environmentally sustainable development.

62. Under its current President, the Bank had endeavoured to address the distortions of the past. In particular, a Task Force on Racial Equality had been created (in 1998) and a mentoring programme for black staff launched. A "Corporate Day Dialogue on Race and Prejudice" had also been held at the Bank.

63. The World Conference would be an event for the soul with the potential to affect the tone of future social relations. The existence of racism and discrimination was indeed due to a crisis of identity. The weaker the human experience of unity, the more fragile the attempt to live in diversity. The international community must therefore embark on a process of reconciliation which was both individual and collective. The strength of the United Nations system lay in its institutional diversity and it was vital that the various mandates be linked together into a strong coalition for change, with a view to promoting an inclusive society.

64. Mr. TEKLE (Observer for Eritrea) said that new forms of racism were emerging in many parts of the world. In some instances, one ethnic group had a total monopoly of power, the other groups being marginalized and exposed to mass starvation and disease while their lands were plundered by the ruling group. Such narrow ethnic nationalism also impelled the State in question to disregard international law and intervene militarily in neighbouring States. That, in its turn, led to massive displacements of populations and to the imprisonment and torture of persons on ethnic grounds. As was evident in the Horn of Africa, such ethnic States were detrimental to the peace and security of a region. The international community must thus take the appropriate collective steps to discourage the creation of such States.

65. Mr. AL-ADSANI (Observer for Kuwait) said that tolerance prevailed in his country for the Constitution permitted no discrimination on the basis of sex, origin or religion and children were taught the importance of observing human rights.

66. He agreed with the representative of the ICRC that the international community should discuss the issue of racism and manifestations thereof in times of both peace and war. Prisoners of war should be protected by law from discrimination and countries that abused such prisoners should be punished. The United Nations should increase its efforts to combat racial discrimination and encourage States to implement the Conventions they had signed.

67. Mr. KARIYAWASAM (Observer for Sri Lanka) said that racial bigots were exploiting the ethnic diversity of some societies to promote violence and terrorism. Such violence could spill over into other countries. It was essential, therefore, to promote tolerance and the forthcoming World Conference should provide guidance towards achieving that aim.

68. Promotion of harmonious ethnic relations with a new vision for nationhood was one of his Government's top priorities. To that end it had embarked on a series of Constitutional amendments designed to correct the anomalies it had inherited from the colonial period so as to ensure equality and further devolution of power.

69. The national integration policy of Sri Lanka involved a framework for unity within diversity, enabling ethnic groups to remain distinct while developing mechanisms for closer interdependence. Priority was being given to countering the advocacy of ethnic hatred and to the promotion of a culture of peace, human rights and equality of treatment. Education was the key to tolerance. Rejection of the use of force as a political weapon was essential because violations of human rights and suppression of dissent by so-called liberators had become a serious concern.

70. Mr. SUNGAR (Observer for Turkey) said that the resurgence of racism, xenophobia and all forms of racial discrimination presented a permanent challenge to the most fundamental human rights and freedoms. In spite of the success in the elimination of institutional forms of discrimination such as apartheid, the international community still experienced mounting waves of bias, exclusion, racism and violence. In addition, contemporary forms of racism constituted a major threat to friendly relations among nations and to peace among peoples. His delegation was greatly concerned at the spread of racism and xenophobia, particularly in Western societies. Migrant communities were the main targets of discrimination and intolerance, and such acts hampered their integration into society.

71. Racism had always been at the root of crimes against humanity, including ethnic cleansing. The international community and the Commission were thus faced with the task of preventing racist atrocities; the forthcoming World Conference would provide an appropriate platform. Indeed, international cooperation and solidarity was essential to building and maintaining a world free of all forms of racial discrimination. Turkey, for its part, had commenced the process of ratifying the International Convention on the Elimination of All Forms of Racial Discrimination.

72. Mr. KIM Yong Ho (Observer for the Democratic People's Republic of Korea) said that the less developed nations had often been discriminated against and exploited by more developed ones because of the difference in their levels of development. Unless efforts were made to analyse the consequences of discriminatory policies, it would be impossible to eradicate the causes.

73. The Korean people had long been the victims of racial discrimination and had suffered greatly under Japanese colonial rule during the first part of the twentieth century. Japan had unfortunately never accepted responsibility for the suffering it had caused and, indeed, was distorting history with a view to hiding its criminal past. At its fifty-eighth session, the Committee on the Elimination of Racial Discrimination had, in fact, expressed concern at xenophobic statements made by senior Japanese officials and at the discrimination of which Koreans were currently the victims in employment, education and access to social welfare. It had urged the Japanese Government to take measures to prevent and eliminate such practices.

74. The Korean people were also being discriminated against by the West simply because they sought to maintain their own ideology. Accordingly, his delegation was looking forward to the World Conference in hopes that it would help come up with solutions to the overall problem of racial discrimination.

75. Ms. MALUWA (Joint United Nations Programme on HIV/AIDS (UNAIDS)) said that there was a clear link between discrimination and HIV/AIDS, for people who were known or suspected to be infected could be refused employment, education or health services. One young woman in South Africa had even been stoned to death because she was HIV positive. Discrimination against people living with HIV/AIDS was a violation of their human rights. The Commission itself had agreed that the non-discrimination provisions of international human rights instruments, which prohibited discrimination on a variety of grounds, including "other status" were to be interpreted as including health status.

76. Although the link between HIV/AIDS and racism was not so clear, the fact was that the overwhelming majority of people infected with the HIV virus lived in the developing world and life-prolonging therapy was largely inaccessible to them, in terms of availability and affordability. Accordingly, she hoped that the forthcoming World Conference would consider, inter alia, the interrelationship between racism, racial discrimination and xenophobia on the one hand and HIV/AIDS infection and transmission on the other, as well as the legal remedies available to those subjected to cumulative discrimination caused by HIV/AIDS, racism and racial discrimination.

Statements made in exercise of the right of reply

77. Mr. TUHIN (India) said that the Commission had heard the Minister of Law, Justice and Human Rights of Pakistan say that the generals who had overthrown the democratically elected Government in that country would restore democracy there. Political scientists around the world must be fascinated by the unique experiment that Pakistan was engaged upon.

78. India's desire for peace had not been reciprocated. When the Indian Prime Minister had made a path-breaking journey to Pakistan in1999 to seek peace, Pakistan had responded with aggression in the Kargil sector of the Indian State of Jammu and Kashmir. His Government's repeated extensions of a unilateral ceasefire had been met by heightened activities of terrorist groups aided by Pakistan operating from the territory of Pakistan. There was no alternative to bilateral dialogue to resolve all outstanding issues between the two countries. Although Pakistan claimed to be willing to enter into such dialogue, the intensification of the cross-border attacks were hardly indicative of the sincerity of its words.

79. Mr. I. HUSSAIN (Pakistan) said he was pleased that the representative of India accepted the validity of bilateral dialogue as a means of resolving the issues. Perhaps he should pass his wisdom on to the political leadership in his country, for it was India that had repeatedly failed to respond to Pakistan's calls for a dialogue. In February 2001, the Government of Pakistan had said that it was willing to resume the dialogue at the trilateral level and expressed its willingness to participate in a dialogue process with the Kashmiri leaders. It would be interesting to know who had stopped the Kashmiri leaders from coming to Pakistan in preparation for such a dialogue.

80. The real issue was one of the right to self-determination. Kashmir was not part of India; it was a disputed territory and his delegation was seeking a peaceful solution.

81. Just as the representative of India was concerned about the situation in Pakistan so his own delegation was concerned about the behaviour of Hindu fundamentalists in India and discrimination against Christians and Muslims in that country. There were currently 17 insurrections going on in India, which were being brutally repressed by the army.

82. Mr. PRASAD (India) said that, like any other country, India had its problems, but they were not the problems that Pakistani propaganda suggested. India was a democracy and dealt with its problems in a transparent fashion. The problem with Pakistan was that it had an unrepresentative, military regime that was ill-equipped to deal with such problems.

83. Mr. I. HUSSAIN (Pakistan) said that the best way for India to respond to the Commission's concerns would be for it to allow the special rapporteurs to visit the Indian-held territory of Kashmir. As for the Indian references to terrorism, his own delegation had repeatedly pointed out that occupying Powers invariably described freedom fighters as terrorists. To stigmatize the popular uprising of the people of Jammu and Kashmir for the sake of self-determination as terrorism was an attempt to block progress towards the settlement of the Kashmir dispute and a gross misunderstanding of international law.

The meeting rose at 6.05 p.m.

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Fifty-seventh session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 26 March 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)

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SPECIAL DEBATE ON TOLERANCE AND RESPECT

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The meeting was called to order at 10.15 a.m.

SPECIAL DEBATE ON TOLERANCE AND RESPECT

1. The CHAIRPERSON said that each year for the past three years the Commission had devoted one day to a Special Debate on a specific topic. The topic chosen for the current session was tolerance and respect, a particularly appropriate subject given that 2001 was United Nations Year of Dialogue among Civilizations and the year of the World Conference against Racism. Lessons must be learned from the past, and particularly from such twentieth-century phenomena and scourges as Nazism and apartheid, which had been based on intolerance and non-respect for the principle of equality, opening the way to many other violations of individuals' rights, including the right to life. The principle of equality was one of the foundations of the protection of human rights; that explained the importance of non-discrimination, but equality did not imply identity. Equality must prevail within the framework of diversity that characterized the world. That was an essential element of the Debate on tolerance and respect.

2. The issue would first be considered from the perspective of reconciliation, by the Most Reverend Desmond Tutu, the 1984 Nobel Peace Prize laureate and Chairperson of the Truth and Reconciliation Commission in South Africa in 1995. It would then be considered from the standpoint of social exclusion by Senator Aden Ridgeway, the only indigenous member of the Australian Federal Parliament, and from the standpoint of religion by Mr. Soheib Bencheikh, Mufti of Marseille (France), who in 1998 had participated in the seminar on Islamic perspectives on the Universal Declaration of Human Rights. The debate was intended to provide guidelines on specific proposals to be formulated at the World Conference against Racism.

3. Ms. ROBINSON (United Nations High Commissioner for Human Rights) said it was necessary not only to combat the four negative forces of racism, racial discrimination, xenophobia and related intolerance, but also to have a clear vision of what positive values should be promoted. That was the purpose of the Commission's Special Debate on tolerance and respect. Tolerance was a minimum; it was the opposite of the intolerance represented by the four negative forces she had referred to. Respect went much further. It required a positive response based on the dignity and worth of each individual recognized in the preamble to the Universal Declaration of Human Rights. It involved listening, valuing what had been heard, and embracing difference. Victims of intolerance throughout the world, particularly migrants, indigenous peoples, minorities of African descent, Roma and Travellers, women and children victims of trafficking, refugees, asylum-seekers and internally displaced persons looked to the Durban Conference to change the climate of prejudice and marginalization to one of respect for and appreciation of their difference. Action-oriented means must be found of promoting the principles of tolerance and respect. That was a key element in the strategy for prevention of human rights violations.

4. The first step was to develop a better understanding of why human differences were sometimes perceived as a threat. Intolerance tended to be rooted in fear: fear of what was unfamiliar or different, fear of the other, fear of the loss of personal security, fear of economic competition. The task was to try to minimize the consequences of fear by seeking innovative ways of preventing past errors from recurring. That was a central message of the Declaration on Tolerance and Diversity: a Vision for the 21st Century, signed by 77 Heads of State and

Government, and it was also the message transmitted by young people participating at the round table discussions held on International Day for the Elimination of Racial Discrimination.

5. During the current session the Commission must identify concrete measures that States could take in the immediate term to prepare for their participation in the World Conference against Racism. The Special Debate on tolerance and respect provided the Commission with an opportunity to reflect on issues such as religious intolerance, economic, political and social exclusion and discrimination against migrants, and to examine the role that education and the media could play in promoting a better understanding of cultural, religious, racial and ethnic diversity. Some background information on the question was provided in document E/CN.4/2000/CRP.4.

6. In conclusion, she thanked the six eminent persons who had agreed to participate in the debate, and all the other participants, who would explain what lessons could be learned from the past and outline constructive ways of promoting tolerance and respect.

7. The CHAIRPERSON thanked the members of the outgoing bureau, members of the bureau of the fifty-seventh session of the Commission and the Office of the High Commissioner for Human Rights for their contributions to the organization of the Special Debate.

8. The Most Reverend Desmond TUTU said that the beautiful story of Adam and Eve, and especially the part telling of the creation of Eve so that Adam would not be alone, was a charming illustration of the nature of human beings, who had been created to be together, to form one family and to complement one another. To talk of a solitary human being was a contradiction in terms, for every human being needed other human beings in order to learn how to be human. No one would be able to talk, walk, think, or eat like a human being without first learning to do those things from other human beings. No human being could be totally self-sufficient. Human beings needed other human beings in order to fulfil their potential. And God had not made a mistake in creating human beings to be different, but had done so to enable them to be complementary and interdependent. In South Africa the word ubuntu was used to describe the essence of being human. Ubuntu was generosity, compassion, gentleness, magnanimity, forgiveness and reconciliation, and it was ubuntu that had enabled Nelson Mandela and the many victims of apartheid to forgive their tormentors; for resentment, hatred and retribution corroded the harmony between the communities in African society. To do evil harmed not just the victim, but also the perpetrator, by dehumanizing him or her as much as, if not more than, the victim.

9. The entire universe was characterized by diversity. There were different sorts of planets, galaxies, animals, plants, races and ethnic groups. The human body was itself made up of different organs performing different functions. That glorious diversity was written into all aspects of life. For Christians, it was to be found in the image of one God in three persons, and it was that imago dei that invested every individual, regardless of race, gender, economic or social status or level of education, with an intrinsic worth not dependent on any external factor. Thus, there could be no superior or inferior race. All human beings were born free and equal in dignity and in rights, and were deserving of respect whatever the circumstances. The very essence of the world was diversity, and to ignore that basic fact was to live in a fool's paradise. All human beings should thus celebrate their diversity and exult in their differences - differences that made

not for separation, alienation and hostility, but for solidarity, friendship, interdependence and complementarity of all as members of one family, the human family, God's family. It was the refusal to acknowledge that obvious fact that had spawned the racially discriminatory selling of human beings into slavery in the United States of America, the Holocaust in Germany, genocidal massacres in Armenia and Rwanda, ethnic cleansing in the Balkans, apartheid and conflicts in Sri Lanka, Northern Ireland, the Middle East and the Sudan. Religion, too, which should encourage tolerance, respect, compassion, peace, reconciliation and sharing, had all too frequently fuelled intolerance, injustice and oppression. The ghastliest atrocities had been committed in the name of religion, whereas no religion could hope to have a monopoly on virtue and truth.

10. The survival of human beings as a species would depend not on eliminating those who were different, for that could lead only to stagnation, and ultimately to death and disintegration. People living in times of insecurity, poverty and unemployment often tended to take refuge in fundamentalist movements of various kinds and to seek scapegoats among those who were different in appearance, behaviour and thought; whereas the reality was that the issues were much more complex. Everyone must work for coexistence and tolerance. Only when people respected their adversaries and saw them not as ogres but as fellow human beings deserving respect for their personhood and dignity, would it be possible to conduct a discourse that might avoid conflict. And when conflict occurred, it could be resolved in ways other than through revenge and retribution. That was what the South African people had tried to do, and perhaps others too would discover that there was no future without forgiveness and that, whether they liked it or not, all human beings were members of one family. It was not good for a human being to be alone, there was room on Earth for everyone - for every culture, race, language and point of view.

11. Mr. RIDGEWAY began by pointing out that many indigenous leaders, among them Chief Deskaheh in 1926, had tried in vain to persuade the international community, in a spirit of truth and justice, to recognize the rights of indigenous people. In Australia, the majority of the population had declared their willingness to reconsider their relationship with indigenous Australians and the history of the country since its colonization by the British more than two centuries previously. The concept of reconciliation had been well and truly embraced in Australia, after a decade of work by the Council for Aboriginal Reconciliation established by the national parliament, but only a minority of non-indigenous Australians were truly ready to take effective action to ensure that the fundamental rights of the indigenous population were recognized and protected, and to share political power and the country's abundant resources with indigenous people. That had been clearly apparent in the decision taken by the High Court of Australia in 1992, in the Mabo case, overturning the legal fiction that Australia had been an empty continent when the British arrived, and recognizing that Aboriginal people and Torres Strait Islanders had been the original inhabitants, with their own laws, languages and social constructs, and thus possessing territorial rights. That decision had rocked the foundations of Australian law and had led to a profound re-evaluation of relationships between indigenous and other Australians. The way in which the reconciliation process was unfolding in Australia showed, however, that the country was still a long way from undoing the effects of the terra nullius doctrine, a doctrine that was still alive and well in the Australian mind.

12. While the awareness-raising campaigns conducted by the Council for Aboriginal Reconciliation were beginning to reap rewards, little progress had been made in eradicating prejudice against indigenous people. Furthermore, various issues had not been resolved, among them the questions of reparations and the need for an apology to the indigenous families and communities that had been separated from their children; the discriminatory laws against young indigenous people; the deaths of indigenous people while in custody; and the fact that indigenous people constituted an unduly high proportion of the prison population. Indigenous peoples had clearly articulated what they considered to be their rights, at international level in the draft Declaration on the Rights of Indigenous Peoples, and in Australia, through negotiations with the political parties and through their own representative bodies countrywide. Those rights included, but were not limited to, the right to self-determination, and the rights to land, cultural heritage and identity. Those rights were additional to all the other rights - such as the rights to housing, employment, health services and education - which they were entitled to enjoy as citizens; but were intended to secure recognition of the qualities that distinguished them as "indigenous". It was to be noted that it was not until 1967, following a national referendum, that indigenous people had been recognized as full citizens with all the rights that status implied, and that for some considerable time thereafter they had not been considered as equal to other citizens. Australia now had a Racial Discrimination Act and a Human Rights Commission but, as the Committee on the Elimination of Racial Discrimination had recently noted, there was no entrenched guarantee against racial discrimination in Australian law, and there was still no explicit reference to indigenous Australians in the Constitution.

13. In many countries, indigenous peoples still did not have access to their rights, and government policies and programmes had not been adapted to take account of their values, beliefs and lifestyles. Governments must facilitate the action taken by indigenous people to exercise their rights and to affirm them in specific everyday situations, by providing them with the necessary financial resources and implementing laws and measures to meet their needs. Representation of indigenous people in political bodies, including parliament; recognition of their rights in the Constitution, enshrining, in particular, the principle of non-discrimination; and the enactment of a bill of rights defining the rights and responsibilities of all citizens and establishing a mechanism for protection against racial discrimination - all those were additional ways of ensuring the participation and empowerment of indigenous people.

14. Other initiatives in favour of indigenous populations taken at international level included the establishment by the Economic and Social Council of a Permanent Forum for Indigenous Peoples and the convening by the United Nations in Sydney, Australia, of a Regional Meeting of Indigenous Peoples on racism, the conclusions and recommendations of which should be incorporated into the provisions relating to indigenous peoples in the draft Declaration and Programme of Action of the World Conference against Racism in Durban (A/CONF.189/WG.1/3). In that regard, he called for paragraph 10 of the draft Declaration to be amended so as to reflect the recognition that indigenous peoples had suffered and continued to suffer grievously from racism and racial discrimination.

15. Racism was perhaps the ugliest phenomenon ever to have afflicted Australian society. The time had come to build relations between the different communities and to reject the idea that a society must be monocultural. The past must be used to shape the future, and the demands for effective participation by indigenous people in decision making must be met, so as to

increase their self-confidence and enable them to show the contribution they could make to the broader community, thereby gaining the respect of other groups in society. Tolerance and social harmony could not exist without mutual respect amongst all the component groups of a country.

16. The process of reconciliation in Australia was very much about dealing with unfinished business, but if reconciliation was to have true meaning, in Australia as in any other country, it must be action-oriented and must become the vehicle for real change in actions and attitudes, so as truly to defeat racism.

17. Mr. BENCHEIKH said it was a great honour to have been invited to address the Commission on the subject of respect and tolerance from the standpoint of religion in general - an invitation that constituted a welcome indication of its members' open-mindedness. Since the origin of humanity, every human group in whatever region had evolved a common ethical system. For a believer, that ethical system could be founded only on faith, but not everyone on Earth was a believer. It was thus necessary to find an ethical system that was neither confessional nor anti-confessional. One could imagine a new ethical system, one that was, as it were, "a-religious" and based on respect for human beings regardless of their ideas and beliefs. Such an ethical system restored religions, including Islam, to their rightful place, in which they addressed a message to humankind without seeking to impose that message. Accordingly, Islam was not the sole preserve of Muslims, who were the instruments, the witnesses, but not the sole possessors, of a truth, which was truth in their eyes alone. Otherwise they would arrogate God's place to themselves, and would set themselves up as judges rather than witnesses. All thinkers and theologians must reflect on the best way of promoting such an ethical system, one that all human being would share in common.

18. That ethical system was not alien to Islam. In that regard a distinction must be drawn between Islam, an extremely liberal religion founded on individual commitment - one that propagated a message of tolerance and had led to the emergence of great philosophers - and movements that had taken root in some trouble-spots of the Islamic world. Muslims were the first victims of the barbaric acts committed in some parts of the world in the name of their religion. The religion of Islam was not a list of obligations and prohibitions, as some would claim. Moreover, the Koran was not a body of law, but a source of inspiration for the legislator. It could be interpreted in different ways in the various parts of the world in which it was read and applied.

19. Ms. AL-HAJJAJI (Libyan Arab Jamahiriya) paid tribute to Archbishop Desmond Tutu for the efforts he had made as Chairperson of the Truth and Reconciliation Commission. She affirmed her country's interest in indigenous questions; the establishment of a Permanent Forum for Indigenous Peoples in the United Nations system was evidence of the universality of the cause championed by Mr. Ridgeway. She also endorsed the view, expressed by Mr. Bencheikh, that Islam was founded on tolerance. Accordingly, a clear distinction must be drawn between the message it transmitted and the abuses committed by some of its adherents.

20. As was proclaimed in the Declaration of Principles on Tolerance, adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1995, tolerance, considered as "harmony in difference", was based on acceptance of diversity, which constituted a source of riches rather than a threat to humanity, and on social harmony. The twentieth century

had witnessed massacres that reflected a diminution of tolerance and an intensification of exclusion. A number of countries, particularly in Africa, had suffered under colonization and slavery, direct consequences of intolerance and racism. In particular, the intellectual and cultural property of the African people had been plundered. The international community was now more sensitive to the effects of racism and discrimination, and she would be pleased to hear the views of speakers in the Special Debate regarding the issue of reparations to victims of slavery and racial discrimination.

21. Mr. SIV (United States of America) said that tolerance and respect were the bases for peace and for the implementation of all human rights throughout the world. In particular, freedom of religion, which was mirrored in article 18 of the Universal Declaration of Human Rights, was firmly established in the Constitution of the United States of America, a country in which virtually every religion was practised.

22. Nations had a duty to nurture respect for individual religious beliefs, by ensuring that closer contacts between cultures were a source of enrichment rather than of conflict. Very often, serious human rights violations were linked to some combination of racial, ethnic and religious intolerance, a clear case in point being the destruction of Buddhist statues by the Taliban in Afghanistan. Members of the United States delegation were adherents of various creeds, but, regardless of their religious affiliations, they had all been offended by that act. His Government once again called upon the Taliban to recognize their responsibilities under the Universal Declaration of Human Rights, and vigorously condemned their action.

23. The international community must fight stereotypes and embrace a culture of tolerance, so as to enable nations to make the progress that a new millennium would demand of them.

24. Mr. ERMAKOV (Russian Federation) said that the problem of intolerance had taken on global proportions. The melting away of frontiers that had separated national cultures had sparked cultural and ethnic flows. It was necessary to address the challenge posed by the emergence of universal standards, on the one hand, and by the rapid development of national, cultural and religious identities on the other. Society's response to that challenge would have implications for the whole future of civilization.

25. The complex and difficult relations that had been forged between ethnic groups and States had sometimes led to bloody clashes and internal conflicts, particularly where religion was involved. The two World Wars and the cold war had been the price paid for the lack of ideological compromise in the twentieth century. The eradication of hatred and the establishment of peace in the world were no easy task, given the prevailing climate of intolerance, in which certain groups had recourse to force in an attempt to impose their vision of the world on others as a universal standard.

26. The excessive individualism and mistrust of community life that seemed to underlie contemporary human thought gave rise to strong feelings of disillusionment among populations in east and west alike. There was thus an urgent need to elaborate models for civilization that would permit a harmonization of neoliberalism and traditionalism and a balance between respect for individual and minority rights and the maintenance of the cultural, national and religious identity of peoples, while avoiding an intensification of nationalism.

27. The Russian Federation, which was made up of nations and peoples of different cultures and religions, must ensure that those differences were a source of enrichment and that national and religious feelings were not used to justify political radicalism and xenophobia. Russian religious and political leaders had a moral and political obligation to prevent such situations from arising.

28. Ms. ABOULNAGA (Observer for Egypt), speaking on behalf of the League of Arab States, stressed the importance of the Special Debate in the context of preparations for the World Conference against Racism. The Arab States were determined to ensure the success of the Conference. Tolerance and respect for individual opinions and beliefs were the foundations of Arab civilization. In order to promote tolerance, it was necessary to foster a dialogue between civilizations. In its resolution 53/22 on the United Nations Year of Dialogue among Civilizations, the General Assembly had noted that tolerance and respect for diversity constituted sound foundations for peace. Combating intolerance and racial discrimination was first and foremost a matter of overcoming prejudices. The Arab countries attached particular importance to education as a means of inculcating the values of tolerance and respect for human rights in children's minds. They were intending to prepare programmes for that purpose for implementation in schools.

29. The tragedy that afflicted the occupied territories, including Jerusalem, was an example of failure to respect the principles of tolerance and human rights. Israel, which was waging a campaign of military repression against an occupied people, did not respect its obligations in the field of human rights. The League of Arab States called upon the international community to ensure respect for the fundamental rights of the Palestinians in the occupied territories. The failure to respect their rights posed a threat not only to stability in the Middle East but also to international cooperation.

30. The Arab countries wished to know whether the international community intended simply to debate tolerance, or whether it intended to take effective measures to defend it. Moreover, they asked whether the international community could take action to promote tolerance in one region, while overlooking its total absence in another region.

31. Mr. LUGRIS (Uruguay) singled out four factors he considered essential in the fight against intolerance: legislation, cooperation with local communities, the role of the media, and that of education. On legislation, Uruguay was one of the few countries in Latin America to have put in place a specific criminal regime punishing incitement to hatred and any other form of moral or physical violence inflicted on persons on grounds of colour, race, religion or national or ethnic origin. Public incitement to hatred by any means, including the Internet, was severely punished. Uruguay called upon countries that had not yet done so to develop their criminal regime in the field of discrimination with a view to establishing new international cooperation mechanisms to combat intolerance more effectively.

32. With regard to cooperation with local communities, Uruguay was convinced that the State and civil society must forge closer links in order to prepare new strategies to combat intolerance. As for the media and the Internet, a distinction must be drawn between the freedom of speech and incitement to hatred. It was important to continue to study means of improving mechanisms for prevention and early warning in the case of dissemination of inflammatory

material. Nevertheless, the media and the Internet were useful tools for the establishment of tolerant societies based on respect for diversity. With regard to education, Uruguay had established education programmes aimed at providing a complete picture of Afro-American history, including the trafficking in slaves to the Southern Cone Countries, and at acknowledging the role played by the descendants of slaves in the independence movement and the creation of the Uruguayan State. In that regard, Uruguay hoped that Latin American history would be reassessed so as to take fuller account of the contribution of indigenous and black populations, thereby transmitting a message of peace that would enable new generations to continue to live in a climate of tolerance and respect for diversity. Throughout the twentieth century, Uruguay had welcomed immigrants from every corner of the world, who had brought with them their culture, traditions and religious beliefs. It would continue to make every effort, at national and international levels, to promote acceptance of foreigners and their integration in society.

33. In conclusion, he stressed the importance of the United Nations Decade for Human Rights Education and of the forthcoming International Conference on Education (ICE), and called upon the international community, through, inter alia, the Office of the High Commissioner for Human Rights and UNESCO, to increase regional and world cooperation in that field.

34. Ms. MARTENSSON (Observer for Sweden), speaking on behalf of the member States of the European Union, expressed the hope that the Special Debate would make a valuable contribution to the preparations for the World Conference against Racism. The concepts of tolerance and respect were closely linked, and it was not possible to defend the one without promoting the other. Unfortunately, those concepts sometimes served as an excuse for preventing individuals from exercising their rights and fundamental freedoms. The European Union strove to ensure that all countries treated their citizens with respect, regardless of their origin or social status. Concrete measures must be taken at all levels to promote tolerance and respect for diversity, which constituted the foundations of the European Union.

35. As an input to the Debate, the European Union asked the invited speakers how, in their view, religious communities and leaders could contribute to promoting tolerance and respect for diversity.

36. Mr. AZIZ (Observer for Bahrain) said that his country was reaping the first benefits of the wide-ranging programme that had enabled all Bahrainis to work together to develop the country's social, political and economic fabric. In a referendum held on 14 and 15 February 2001, 98.4 per cent of Bahrainis had voted in favour of adoption of the Charter for National Action. A symbol of national unity, the Charter laid the foundations for a new society based on respect for human rights, democracy, the rule of law and transparency. It guaranteed each individual's constitutional rights and freedoms, the independence of the judiciary, the participation of women in society, the creation of a bicameral parliament, the re-establishment of the National Assembly and the holding of general elections in 2004. Bahrain had also repealed the State Security Act and abolished the Court of National Security, decided to free all detainees unconditionally and declared a general amnesty for all its citizens living abroad who wished to return to Bahrain. A Supreme Court had been established to strengthen the independence of the judiciary, and an independent non-governmental organization, the Bahraini

Human Rights Association, had been set up to work in cooperation with the National Human Rights Commission, which was already fully operational. There were currently more than 200 NGOs in Bahrain.

37. Eager to contribute to the promotion of human rights and to foster international cooperation, Bahrain was seeking to become a member of the Commission on Human Rights and had accordingly submitted its candidature for the elections to be held in May 2000. While many tasks still lay ahead of it, Bahrain had made enormous progress in a short period of time, and hoped to collaborate closely with the Commission, the Office of the High Commissioner for Human Rights, the Sub-Commission on the Promotion and Protection of Human Rights and the various rapporteurs so as to ensure respect for human rights and fundamental freedoms.

38. Mr. LURIA (Observer for Israel) said that despite all the efforts undertaken at international and national levels, intolerance and prejudice continued to fuel hatred and discrimination. Israeli society was made up of many different cultures and was very proud of that diversity, which derived in part from its absorption of immigrants from all over the world. That diversity could not but enrich the social and cultural fabric of a democratic society. The challenge was to encourage each cultural group in Israel to make its own unique contribution to the development of Israeli society as a whole. Israel was committed to developing constructive dialogue and understanding among the various groups, especially during the current period of tension and violence.

39. In the past decade the principle of equality had been strengthened in Israel. New statutes had been adopted prohibiting discrimination in the workplace and in the educational and health systems. Equality between the sexes had been enshrined in law, as had the rights of the disabled. The Supreme Court had prohibited discrimination on the basis of sex, age, nationality, religion, sexual orientation or disabilities.

40. Civil society and NGOs had a crucial role to play in putting human rights and tolerance at the centre of the political agenda. They had contributed to instilling the essential democratic values of justice and equality in the Israeli population.

41. Education was a key factor in promoting tolerance, democracy and dialogue, and several projects had been implemented in that area. The Ministry of Education had established a department for democracy and coexistence, which operated through NGOs and organized meetings between students from different sectors of society - for instance, between Arabs and Jews, and between secular and religious groups. With support from the Ministry of Education and NGOs, and under the guidance of the Institute for Democratic Education, special schools had been established to provide a non-traditional education that attempted to bridge the gap between the different groups and cultures. Lastly, the Association for Civil Rights in Israel ran a programme in some 60 schools enabling students to track down Internet sites that promoted racist ideas or sought to foment racial hatred, so as to help them learn to distinguish between dissemination of such information and freedom of expression.

42. Relations between religious and secular groups were a major problem in Israel, partly because each felt threatened by the other. A network of colleges, some religious and others

secular, had been established to study and promote Jewish values. Other organizations worked to introduce religious pluralism into Israeli legislation, particularly with regard to marriage.

43. Tel Aviv University had recently published a study unique in its field, devoted to international anti-discriminatory legislation dealing with anti-Semitism, Holocaust denial, racism, xenophobia, religious intolerance and persecution of minorities. Israel was planning to present that survey at the World Conference against Racism, as a contribution to the fight against discrimination and intolerance worldwide.

44. Ms. ANDERSON (Observer for Ireland) said that if religious intolerance and tensions between religious communities were to be alleviated, those problems must first be seen in their economic and political context; for religious intolerance was seldom an isolated phenomenon.

45. In the Good Friday Agreement which they had concluded with a view to easing tensions between the Catholic and Protestant communities in Northern Ireland, the Irish and United Kingdom Governments had taken account of factors such as discrimination in employment and housing and the teaching of certain values in the educational system. The Agreement also provided for the setting up of institutions to monitor respect for human rights.

46. While politicians had a very important role to play, religious leaders, too, must exhort the faithful to follow the paths of tolerance and reconciliation, denounce injustice, and not take refuge in their ivory tower. Those religious leaders who preached intolerance were to be roundly condemned.

47. In conclusion, she expressed the hope that Archbishop Tutu, who had said that there could be no future without forgiveness, would say more about the circumstances in which a pardon could be granted, given that peace and justice were incompatible with impunity.

48. Mr. LEWALTER (Germany) thanked the Chairperson for emphasizing the fact that denial of equality between human beings lay at the root of all violations of human rights. He also thanked Archbishop Tutu for the message of hope he had conveyed, and the Mufti of Marseille, Mr. Bencheikh, who had reminded the Commission that all religions, including Islam, preached love for one's fellow human beings.

49. It was the experience of Nazism and the Holocaust that had led Germany, in 1948, to place the inviolability of human dignity and equality for all at the centre of its human rights concerns. In the 1960s, it had begun to rely heavily on foreign workers to help it develop its economy, and had subsequently learned to value their contribution to the life of the country at all levels. But it was not enough simply to accept that people were "equal but different"; tolerance and respect for others must also be actively promoted. Many measures had been taken in Germany in response to the cultural and religious needs of immigrants and refugees from all parts of the world. There were currently almost 3 million Muslims in Germany, and a consensus was emerging in Parliament that the precepts of Islam should be taught in Germany's schools. Some regional initiatives had already been taken in that regard. It was clear, however, that civil society as a whole must take positive action to promote tolerance. An Alliance for Democracy

and Tolerance and against Extremism and Violence had been set up to mobilize all the social forces working to combat violence motivated by xenophobia, racism and anti-Semitism; however, much still remained to be done in that field.

50. The Special Debate organized by the Commission was of considerable importance, given the terrible suffering caused throughout the world by conflicts and hatred between different communities and cultures; it provided an occasion to reflect upon effective means of ensuring tolerance and mutual respect.

51. Mr. SABHARWAL (India) said that diversity of cultures, races and religions was a source of enrichment for humanity and that, if peace and harmony were to prevail, it was more than ever necessary to encourage tolerance, understanding and mutual respect at national and international levels. He noted with concern an unwelcome resurgence of chauvinism, fanaticism and sectarianism: some groups sought to place religion at the service of violence and terror. Yet it was well known that no religion preached violence or the elimination of adherents of other religions. Everyone should be free to exercise freedom of conscience and worship.

52. The Constitution of India guaranteed those rights and protected religious minorities. India believed that only democracy could foster a culture of tolerance and pluralism and a discrimination-free State in which the rule of law prevailed.

53. Mr. OMOWALE CLAY (International Association Against Torture), speaking also on behalf of the December 12th Movement International Secretariat, said that the principle of "the dignity and worth of the human person", set forth in the preamble to the Charter of the United Nations, had never been applied to Africans and the African diaspora, whose ancestors had been victims of the greatest crime ever perpetrated against humanity, namely, the transatlantic slave trade, from whose economic, cultural and political effects people of African descent still suffered.

54. Africans who demanded reparation for that crime were asked to be tolerant of Europeans' expropriation of their ancestors' labour, lands and even lives. In the case of Zimbabwe, it was significant that those who had tolerated Ian Smith were now intolerant of President Mugabe.

55. Universal tolerance and respect would remain words devoid of meaning until such time as the transatlantic slave trade and slavery had been recognized as crimes against humanity and the descendants of the victims had been awarded compensation.

56. Ms. SPALDING (World Federation for Mental Health), speaking also on behalf of Women's Sports Foundation, Interfaith International and the African Commission of Health and Human Rights Promoters, welcomed the convening of the Special Debate in the run-up to the World Conference on Racism. She drew the Commission's attention to the fact that young people, indigenous groups and the disabled were becoming progressively more involved in the preparations for the Conference and in the work of other bodies, particularly through Internet discussion groups.

57. Ms. BLOEM (General Board of United Methodist Church Global Ministries), speaking also on behalf of the World Federation of Methodist and Uniting Church Women, said that the

international community was aware of the horrible crimes that had been committed in the past and that it must openly debate reparation for those crimes and draw the lessons of the past.

58. Archbishop Tutu had stated that there could be no future without reconciliation. The time had perhaps come for the rest of the world to emulate what had happened in South Africa. The World Conference against Racism might lay the foundations for reconciliation between different cultures and religions.

59. The Most Reverend Desmond TUTU said that South Africa would not have been able to do away with apartheid without the support of the international community, and that South Africans were infinitely grateful for all it had done for them. He was convinced that if the international community had succeeded in defeating apartheid, it was also capable of putting an end to racism and bringing about peace in Northern Ireland and the Middle East. Just as it had helped South Africans to regain their freedom, it could help Jews and Arabs to offer one another an olive branch and live together in harmony.

60. In South Africa, the Truth and Reconciliation Commission had been very impressed by the magnanimity shown by those who had suffered so terribly under apartheid. The testimonies it had heard had convinced it of humankind's fundamental goodness, and that humans had been created to live together in love and peace.

61. Forgiveness did not mean forgetting or closing one's eyes to the past. In order to be pardoned or granted an amnesty, those who had committed reprehensible acts or even atrocities must first publicly acknowledge their responsibility and ask forgiveness of those they had wronged.

62. As for reparation, nothing could compensate a mother for the loss of a son brutally murdered. However, reparation could be seen as an act of contrition and could help alleviate the pain. In South Africa, the Truth and Reconciliation Commission had been astonished at the low levels of compensation requested by victims: some parents had requested a tombstone for their son, while others had asked that a street should be named after their child.

63. In conclusion, he invited participants in the Special Debate to share his dream of a new world in which nobody would ever again be excluded or marginalized on grounds of colour, economic status, level of education, nationality, sexual orientation or age.

The meeting rose at 1.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 12th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 26 March 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (continued)

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The meeting was called to order at 3.05 p.m.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued) (E/CN.4/2001/20, 21 and Corr.1 and 22; E/CN.4/2001/NGO/5, 11, 28, 38, 41, 57, 58, 61, 62, 73, 155, 162 and 164; E/CN.4/Sub.2/2000/11 and Corr.1; A/55/304)

Special debate on tolerance and respect (continued)

1. Mr. RIDGEWAY said that one approach to the troubling issue of racism was to embrace the "cold peace". There was a need for cultural pluralism and diversity in a society, yet they could also - like globalization - arouse tensions. The study of history was undoubtedly beneficial, in order to obtain a sense of cultural understanding and identity. The latter could be achieved technically in a multicultural society, such as Australia aspired to be, by recognizing dual citizenship, so that immigrants could become Australian while retaining their own nationalities. For indigenous peoples the issue was rather to ensure that their cultural identity was recognized. A striking aspect of the Olympic Games held in Sydney in 2000 had been the emergence of the athlete, Cathy Freeman, as a symbol of the reconciliation process within the country after two centuries of colonization. Symbolism was an essential aspect of the healing process.

2. The backlash of resentment in a country was a product of the original iniquity itself. The indigenous people of Australia were not, however, seeking compensation but merely an acknowledgement of their culture. It was essential in the twenty-first century that indigenous peoples be included in national partnerships. Above all, the need for education must be acknowledged and promoted. Only thus would a critical mass for change be created: a change of hearts and minds.

3. Ms. SADIK, addressing the topic from the gender perspective, said that tolerance and respect were core values in any society and should apply equally to women and to men but the fact was that relations between men and women were unequal and inequitable in most, if not all, societies. Ethnic and sectarian intolerance and religious extremism had caused innumerable conflicts and continued to play havoc with the lives of many. In all such situations women suffered disproportionately.

4. Moreover, neglect and discrimination cost many women their health and even their lives. For example, pregnancy and childbirth were the single biggest cause of ill health among women of reproductive age in developing countries. Over half a million women died each year and many times that number suffered illness or injury. Some 2 million girls between 5 and 15 were forced into the commercial sex trade each year. Trafficking for sexual purposes was the most rapidly expanding segment of organized crime, affecting an unknown but rapidly increasing number of women. Large numbers of girls and women were at risk of female genital mutilation every year. Young women in high-prevalence communities were five to six times more likely to be HIV-positive than men in the same age group. One woman in three would suffer violence during her lifetime, usually at the hands of a partner or spouse. Two thirds of the world's illiterates were women and girls as were two thirds of the world's poorest people. Furthermore, in any situation where respect for human life and well-being was in question, whether in war or

natural disaster, the situation of women was almost always worse than that of men. It was also harder to establish and maintain civil rights for women than for men, in such areas as marriage and divorce, property and inheritance, education and employment, voting and representation.

5. Such problems existed in all countries. They might be less pronounced in more prosperous communities, but even in the richest societies women were more likely to suffer hardship as a result of divorce, earned less for the same work and were less likely to reach the highest ranks of their professions. Neither economic development nor modernization of traditional societies would in themselves ensure tolerance and respect for women. Although all cultures had unique and positive values, which should have maximum scope for their expression, no culture worthy of the name found it acceptable to discriminate against or oppress women. Where such practices occurred, they were the result of cultural perversion. A good example was female genital mutilation, which was still sometimes claimed to be culturally appropriate. There was, however, no justification whatever in culture or religion for such mutilation and it was gratifying that countries were increasingly legislating against it.

6. How a culture absorbed the impact of change was the test of its resilience, since change might alter some cultural practices and render others obsolete but would not affect a culture's core values. A good example was slavery, which had been a feature of many societies in the past but had come to be universally condemned. Similarly, the tight control over women's fertility, formerly exercised for dynastic or property reasons, had become unacceptable. Rape and incest, which had previously often led to the ostracization of the girl or woman concerned, were acknowledged to be crimes.

7. The international human rights treaties drew their binding force from their capacity to express the values essential to all cultures. There was continuing debate in all countries about precise interpretations of human rights and their relationship to national bodies of law and practice. Such a debate, which was materially assisted by such instruments as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, was healthy and should be encouraged. International instruments allowed countries and the international process to take positive action to redress old wrongs.

8. No rights were more important than the right to education and the right to health, including reproductive health. It had taken some time for the latter to be accepted as a human right, and it had yet to be fully implemented in all countries, but it was fundamental to the empowerment of women. It included not only safe motherhood and protection against unwanted pregnancy together with protection against infection with HIV and other sexually transmitted diseases, but also protection against gender-based violence and sexual abuse. Establishing and maintaining that right was the very essence of toleration and respect for women, even though great efforts were needed to maintain them in difficult circumstances.

9. Successive international agreements on universal education had not yet ensured equality between women and men. Women's right to employment and to equality in employment was also frequently ignored. In some cases women were prevented from entering the workplace or, conversely, economic hardship might force women into paid employment against their will. Opportunities for promotion were often blocked. Laws existed in many countries against such practices, but they were hard to eradicate.

10. Women migrants were also vulnerable. They might be discriminated against or they might be prevented by practices in their own communities from entering fully into their new world. Innovative programmes could help, but there were several industrial countries which drew immigrants for work but found it hard to assimilate or accommodate their cultural differences. In such cases education and acclimatization were needed for the host communities as much as the immigrant one.

11. Tolerance and respect should lead to an examination of all assumptions concerning gender relations, including sexual behaviour. Young people, in particular were at the leading edge of rapid change yet also at the most impressionable and vulnerable stages of their emotional lives. She questioned whether it was enough simply to restate the old values in the old way. She commended a delegate from a Catholic country who, in a debate on HIV/AIDS, had said that, although he might deplore his daughter's sexual activities, he would not deny her the information and the means to protect herself from unwanted pregnancy or infection. The various international conferences on human rights during the 1990s, culminating in the United Nations Millennium Declaration, to which all Member States had agreed, had shown that it was possible for reasonable people to disagree but also to reach a consensus on action.

12. Mr. PECCOUD (International Labour Organization (ILO)), addressing the migration aspect, said that the gap between the beneficiaries of globalization and those excluded from its financial, technological, medical, educational and social benefits was widening, both within and among countries. It was hardly surprising that people from the poorest countries should seek employment in wealthier countries in the hope of providing for themselves and their families. New information and communication technologies had opened the window still wider on the tantalizing prospect of consumer wealth. Many would-be emigrants, skilled and unskilled alike, were caught in the clutches of unscrupulous private agencies offering full immigration arrangements. Such agencies were often in collusion with potential employers in developed countries who made no bones about exploiting the manpower of illegal immigrants.

13. Meanwhile, and as a reaction to all-triumphant market ideology, religious, ethnic or ideological fundamentalism was on the increase. It propagated hatred and discrimination based on gender, religion or ethnic origin, and its victims had no alternative but to attempt to leave their countries by whatever means were available to them.

14. Over the past few decades, host countries had become increasingly attractive because of markedly reduced transportation and communication costs, as well as the presence of diaspora colonies offering the promise of continued links with the home country. If an immigrant was to stay for a short while, respecting the person's rights meant enabling him or her to maintain contact with the home country whereas, in the case of a long-term immigrant, it involved ensuring his or her assimilation into the host society. A country such as Switzerland, with less than 2 per cent unemployment, had no difficulty in accommodating 20 per cent of immigrants in its population. Indeed, its citizens had recently rejected a proposal to reduce that percentage. Meanwhile, however, certain neighbouring countries with a much higher rate of unemployment manifested intolerance towards a much smaller number of immigrants.

15. Everything possible must be done to ensure that the human dignity and the contribution of the immigrants were recognized. Not only were they often indispensable, particularly in the services sector, but they would be increasingly needed as the population of the developed countries became older. Politicians, trade unions, employers and other civil society actors, including the media and religious organizations in particular, had all a responsibility to educate the public by promoting respect for immigrants and combating intolerance. That responsibility was particularly marked in respect of the poorest people, the illegal immigrants.

16. It was also necessary to expose national immigration policies designed to reassure the electorate by imposing well-publicized draconian measures on immigrants, but which actually stimulated illegal trade in visas and made cheap labour available to boost the competitiveness of enterprises.

17. With a view to strengthening the legal protection for migrants, States should ratify the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families as a matter of urgency, as well as the relevant ILO conventions. The wealthier States were particularly remiss in that regard. Could it be that they viewed migrants simply as production automatons whose human rights could be ignored? Being aware since its inception that social discrimination had the potential to destabilize societies, ILO had always sought to ensure that women and men could work in conditions of dignity, freedom and security, in the interests of sustainable development. To that end, it would continue to urge not only that immigrants be tolerated but that they be truly respected.

18. Ms. BRASLAVSKY (United Nations Educational, Scientific and Cultural Organization) said that, while there was no denying that racism, discrimination, xenophobia and intolerance were deeply ingrained in the minds of most people, they were in permanent combat with the instinct for tolerance, respect, learning and intercultural enrichment which lay equally deep. If both strands were recognized, improvement was possible. For example, some textbook editors had produced samples that were magnificently illustrated but all the pupils portrayed were boys. In another case, an influential non-governmental organization (NGO) engaged in combating corruption had prepared a poster to illustrate the fact that society was not divided neatly into the corrupt and the honest but that there was a continuum between the two extremes. To illustrate its proposition, however, the figure portraying extreme corruption was painted black while that portraying the greatest honesty was white.

19. In both cases, the illustrations had been altered before publication, but they had clearly reflected the unconscious effects of centuries of education both in the schools and in society. It was clear that to overturn such deeply entrenched discrimination was no easy matter. The task was to strengthen the positive aspects of human nature and the way to do so was to provide education that would regard tolerance and respect as an overall social and political requirement, not merely an academic one; to guarantee access for children of both sexes to worthwhile and equitable educational opportunities throughout their lives; and to ensure that educational standards were such as to promote tolerance and respect for every other group in society.

20. In conflicts between nations or groups, or in intergenerational tensions or various forms of discrimination, there was a general tendency to blame somebody else. In terms of education, "somebody else" could be the school, the family, the mass media, the market or one or another

religion. In fact, however, discrimination and intolerance lay somewhere in a complex interaction between practices existing in all those various aspects of life. The only remedy was to construct a strong alliance between them all, rendering them able, gradually, to ensure that their harmful features were removed.

21. That process was under way in many countries. In the most successful cases, results had been achieved by recognizing the essential equality of persons based on human dignity; the establishment of a legal framework enshrining that equality; the acknowledgment of the diversity of the ways in which human dignity could be expressed; a recognition that such diversity could not be synonymous with inequality of access to the goods and social services needed for personal, community and national development; the promotion of empathy towards others; and the promotion of a capacity for criticism of "our people".

22. On the basis of those principles, it was possible to isolate promising educational policies and practices that would strengthen an education in tolerance and respect. The first was to recognize that positive discrimination was necessary. Many countries had moved beyond the principle of offering the same education to all to one of giving more to those who had less and promoting the education of particularly disadvantaged groups, including women, indigenous peoples, immigrants, the poor and religious minorities.

23. Secondly, study plans and programmes had been introduced in many countries to incorporate the requirement to teach human rights and the principle of non-discrimination into modern history and geography at every level: in other words, the history not just of a colonial power, as was often the case, but also that of the local community was to be taught. Indigenous languages were also coming to be used for instruction in elementary and even in secondary schools. Tolerance and respect gained strength in countries with a tradition of both lay and religious education; since the former recognized the value of religions as expressions of cultures while the latter broadened the range of religions considered.

24. A third policy was the updating of textbooks and other teaching materials in many countries, thereby introducing a variety of perspectives and, indeed, introducing an element of controversy. According to that approach, each student had the right to express his or her own views and to contrast them, respectfully, with those of others. The actual way of teaching had also been improved in many institutions. Less emphasis was put on memorizing and the repetition by rote of information or moral precepts and more on comprehension and character building.

25. Increasing people's receptiveness to respect was by no means easy, for it had to be achieved through tension of various kinds, positive and productive though might be. For example, the introduction of indigenous languages as languages of instruction should be balanced against the need for those same communities to learn English and computing. However, a world in which only "English and computing" was learnt could become a barren one. It was an interesting fact that one of the characteristics distinguishing countries which achieved significant economic and social development was the number of hours devoted to art education, to self-expression and to symbolic and spiritual products. Comparative advantages went not to

robots but to aware and analytical human beings capable of living, producing and enjoying the collective spiritual and material wealth. It was they who would ensure the continuity of humanity.

26. Not all views of the world were accommodated in the schools. The Aymara people in Bolivia, for example, looked to the past because the future could not be seen. Nevertheless, their schools endeavoured to teach them about time and the future. Some African cultures did not use the decimal system but had five as their basic number, yet the schools did not take that into account. Schools, too, had to renew their ability to understand "the other" in order to strengthen tolerance and respect, concentrating as much on the emotional and spiritual side of life as on knowledge.

27. Dialogue was required if progress was to be made, since action without ideas was dangerous. It was in that spirit that her Organization was organizing a conference that would take place in Geneva at the same time as the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, but whose subject would be "education for all so as to learn to live together". Such factors as citizenship, social cohesion, cultural diversity, languages, new scientific developments, ethics and new technologies and the future of the school would be considered.

28. Mr. SOLARI (Argentina) having agreed with the previous speaker that education had a key role to play in promoting tolerance and guiding the emotions, said that his country had learned from its experience in dealing with a legacy of military dictatorship that there could be no true reconciliation without a full investigation of the truth. Even so, the pain remained.

29. Tolerance and respect involved not resigned acceptance but enthusiastic welcoming of diversity. A diverse society was not only fairer, it was also more interesting and more beautiful. It was only by pursuing a culture of diversity that it would be possible to counter those who viewed plurality as a menace. All countries must remain vigilant to the threat of intolerance. However, Argentina, for its part, was an example of cultural and religious diversity in action. Throughout its history, it had welcomed successive waves of immigrants: from Europe, Latin America and, more recently, from Asia.

30. Ms. GLOVER (United Kingdom) said that reality all too often fell short of international standards. Her Government condemned the persecution of individuals on the grounds of religion or belief and took every opportunity - often working with its European Union partners - to urge States to foster tolerance and mutual respect and to protect religious minorities from discrimination, intimidation and attacks. It took its own obligations very seriously in that domain, drawing strength from the diversity of British society. Freedom of religion and belief was protected under the new Human Rights Act, and additional legislation would be introduced to outlaw religious discrimination in the workplace and in training.

31. Intolerance was not the monopoly of the followers of any single religion, but occurred throughout the world, and in the name of many faiths. International law did not restrict freedom of religion or belief to any one religion. It was essential, therefore, to address persecution and intolerance against all faiths, since privileging the rights of one group could occur only at the expense of the rights of another. The international community should not accept the arguments

of those who dismissed international oversight of States' human rights obligations as being motivated by bias, while continuing to violate human rights. The defence of one faith must not be used as an excuse to suppress others. Her delegation would be interested to hear the panel's views on how to strike a balance between freedom of religion and belief on the one hand, and freedom of expression and of peaceful assembly on the other.

32. Mr. PÉREZ-VILLANEUVA Y TOVAR (Spain) said that his delegation attached the utmost importance to promoting tolerance and respect for religions and beliefs. Indeed, his Government would be shortly hosting an international consultative conference on school education in relation to freedom of religion and belief, tolerance and non-discrimination.

33. One of the fundamental issues to be tackled in the final document of that conference and subsequently was the nature of universal education to promote knowledge of the other through, inter alia, a more detailed study of comparative religion and religious and ethical cultures. He would welcome the panel's views on whether comparative religion should be taught as a separate subject or as part of other subjects such as history, ethnography, philosophy or civics.

34. Ms. JAMIL (Pakistan) said that the Constitution of Pakistan enjoined respect for the diversity of cultures in the country's national heritage, as well as freedom of religion and belief. Pakistani brethren from the minority communities were entitled to hold the Government accountable and, in so doing, they enriched public debate. Her Government believed that each nation and people had the right to practice their religion, beliefs and values unless they were aimed at harming others or incited hatred and violence.

35. Regrettably, Islamophobia had emerged in some parts of the world in the form of a virulent campaign to denigrate the values and traditions of Islam. Such a campaign hardly served the interests of tolerance and respect for diversity. It was a paradox that, as the world moved towards progress and scientific advancement, it also witnessed a rise in brutality and intolerance.

36. Rather than attempting to create a uniform world by destroying historical, cultural and religious values or artefacts cherished by others, a renewed effort should be made to respect and protect the world's cultural diversity. Pakistan, having experienced anguish at the total destruction of the historic Barb Mosque, well understood the pain felt by Buddhists at the destruction of the Bermudan statues in Afghanistan.

37. There was an urgent need to promote tolerance through education and to strengthen dialogue among the civilizations. New technologies and the media should be used with a greater sense of responsibility towards younger generations and not as a means of further brutalizing society: a society in which women and girls suffered not only physical and emotional humiliation and exploitation, but also the bleak future of economic difficulties following the loss of their dear ones through brutal killings. It was essential also to bring ongoing conflicts to an end and prevent the emergence of new ones, thereby lessening the barometer of violence in the world.

38. Ms. GERVAIS-VIDRICAIRE (Canada) said that tolerance, respect for diversity, and the accommodation of change were fundamental to the peaceful and prosperous coexistence of people. Ethnicity, race, language, culture, gender, physical or mental ability, sexual orientation and religion were all fundamental to a person's identity. From the Canadian perspective, tolerance was not sufficient; what was needed was respect. The embracing of diversity within a framework of democratic values and respect for human rights was essential to the economic and social vitality of society. It was essential, therefore, to ensure that cultural diversity was used to improve participation, strengthen cultural expression, create prosperity, and ensure that all nations benefited from the opportunity afforded by the global environment.

39. Diversity had afforded many advantages to Canada, including links with the rest of the world, a multilingual workforce and a vibrant cultural life. The particular place of indigenous peoples in Canada was central to its diversity of its culture, languages and history. Moreover, the central role of Canada's two official languages was a further example of its commitment to respect the diversity of its population.

40. His Government had consistently advocated effective measures to promote respect for diversity, in particular through education and public awareness initiatives at all levels. In view of the fact that educational systems shaped attitudes and behaviour, consideration should be given to ways of incorporating the contributions of individuals of diverse backgrounds into the school curricula. Further consideration should also be given to developing new educational tools for promoting acceptance and valuing all members of society.

41. Ms. RUIZ de ANGULO (Costa Rica) said that, in her country, children were taught tolerance and respect from a very early age. The most important factors in promoting tolerance in any society were the media, the educational system and the religious communities. Since the media reflected the outlook of society, it was essential that the religious and political leaders should urge the media to reflect a broad range of opinions, when commenting on events. The forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would be an opportunity to foster the concept of tolerance in schools, the press and religious groups. At the same time, she wished to emphasize that justice and equality of opportunity also contributed to the spirit of tolerance.

42. The fact that 2001 was the United Nations Year of Dialogue among Civilizations, would also do much to foster a spirit of tolerance.

43. Mr. CHEPSIROR (Kenya) said that, given the increased discrimination shown by the media, public authorities and political parties, there was a need to implement policies that promoted mutual tolerance and respect among the various communities. The African Regional Preparatory Conference that had taken place in Dakar had come up with a number of recommendations in that regard. Firstly, legislation should be enacted to curtail political platforms and activities of organizations that encouraged intolerance. Secondly, States should establish national monitoring mechanisms and take steps to promote good inter-ethnic relations. Thirdly, the media should elaborate a code of conduct to prohibit the propagation of attitudes of racial superiority, hate and discrimination.

44. His delegation was disappointed at the minimal progress made thus far in promoting attitudes of tolerance and respect. It agreed with Ms. Braslavsky that education was the best way of promoting tolerance and that States should develop specific sensitization and training programmes to combat racism.

45. Mr. MENDONÇA E MOURA (Portugal) said that the call made at the previous meeting for an ethic that was neither religious nor anti-religious but simply centred on the human being was a very important contribution to the debate.

46. Noting that a recent study by the United Nations Children's Fund (UNICEF) had concluded that education could have not only a positive but also a negative role (when it was used as a means of preserving positions of privilege or manipulating history for political purposes and encouraging hate), he asked the panel what could be done to ensure that education was not misused in that way and whether there were professional groups that should be given priority in terms of human rights education. He wondered why the response by States to the United Nations Decade for Human Rights Education had been so poor and what United Nations organs could do to help States promote such educational activities.

47. Ms. PATERSON (Observer for New Zealand) said that tolerance needed constant encouragement because, even in an open society, it could be threatened by changes in political, economic or social conditions.

48. Education was, indeed, extremely important in promoting tolerance. Changes had recently been proposed in her country to improve the capability of the New Zealand Human Rights Institution to focus on its role of education. It had been recommended that the Institution should take a lead in promoting a society that respected the human rights of all members of society with all their differences.

49. Mr. AMIN-MANSOUR (Observer for the Islamic Republic of Iran) said that diversity could be either a source of strength or a cause of division. Experience had shown, however, that policies of exclusion eventually led to harsh reactions and that the societies that survived were those that enjoyed a rich culture and had learnt to practice tolerance. In his view, the authorities, members of the elite and human rights advocates had a major role to play in enhancing understanding within a society, not least by setting a good example.

50. The year 2001 had been proclaimed the Year of Dialogue among Civilizations. Tolerance and respect for others were the cornerstone for dialogue, cooperation and development. He therefore called on all the members of the international community to promote tolerance throughout the world.

51. Mr. SUNGAR (Observer for Turkey), said that he wished to set the record straight concerning a reference made at the previous meeting by Archbishop Tutu to the so-called holocaust of Armenians, to use his exact words. His delegation did not accept that allegation because it knew the facts, which concerned its own history. What had occurred in the eastern sectors of the Ottoman State had been a civil war within a global war, not a genocide.

52. Ms. MARTENSSON (Observer for Sweden), speaking on behalf of the European Union, said that she had two questions for the panel. She would like to know, firstly, how the mainstreaming of the gender perspective could promote tolerance and respect for diversity and, secondly, how training could best be used for prevention and as a tool to promote tolerance, diversity and access to human rights.

53. Mr. SABHARWAL (India) said that his Government had declared 2001 to be Women's Empowerment Year, the objectives being to create large-scale awareness of women's issues, to initiate and accelerate action to improve access to and control of resources by women and to create an enabling environment to enhance women's self-confidence and autonomy.

54. Intolerance and discrimination could not be eliminated simply by the adoption of laws. It was equally important to change social attitudes. Any society that wished to inculcate the values of tolerance and respect must harness the power of education. His Government would stand firm against all efforts to mould education to serve exclusivist ends, particularly attempts to turn children into cannon fodder.

55. Ms. SAUERBREY (United States of America) said that respect for others required respect for oneself. Self-esteem could not be developed unless a child believed that he or she had the same chance of success as others. The ability to read was the fundamental building block to education. Children who could not read tended to take out their feelings of inferiority on others, whereas children that did well in school tended to be more tolerant and were more likely to help others.

56. Many organizations had developed programmes to provide tolerance education for both children and adults. Such education was increasingly becoming part of the curriculum in the United States. One educational tool that had proved effective was to foster dialogue among groups that had demonstrated animosity towards one another. Religious groups could also play an important role in rebuilding society. A new programme in her country incorporated faith-based initiatives into Government efforts to provide reading assistance and to combat drug addiction.

57. Ms. IAMSUDHA (Thailand) said that gender discrimination was probably the oldest and most widespread form of discrimination in the world, and some societies accepted it more readily than others. Violence against women remained an issue of grave concern, and abuse of women was a social problem as well as an impediment to a country's development. Members of the international community should individually and collectively accelerate their efforts to promote the rights of women to be free from discrimination, to promote their rights in terms of reproductive health, their access to education, information, health, social services and decision-making processes. Gender mainstreaming was integral to the empowerment of women.

58. Education was not only an effective means of promoting human rights, including tolerance and respect with regard to gender, religion, migrants and other diversities, but was also an effective tool in ensuring that people were aware of human rights, understood them and knew how to exercise them. That education began in the home, and continued in the school. More use should also be made of the mass media to promote human rights and respect for diversity.

59. Mr. HERNÁNDEZ BASAVE (Mexico) said he shared the concerns expressed by earlier speakers regarding the use of the expression "illegal immigrants", which stigmatized and stereotyped all immigrants. There was general recognition that immigrants had made and continued to make valuable contributions to the societies in which they lived, and there was virtually general agreement, in his own region at least, that immigrants not in possession of proper immigration papers should not be criminalized as "illegal". Finally, he expressed his agreement with Mrs. Braslavsky that it was vital to redouble efforts in education at all levels.

60. Mr. KRISAFI (Observer for Albania) said that in his country there were excellent relations between the three main religions - Islam, Orthodoxy and Catholicism - and between Albanians and the ethnic minorities. Since the important changes in Albania in the 1990s, the country's traditions of good relations had been put on a legislative basis. The Constitution of November 1998 gave pride of place to human rights and fundamental freedoms, which met the highest modern standards. Albania had acceded to almost all the relevant international instruments, and had done much to spread awareness of human rights through its schools, in civil society and among State officials.

61. In the Albanian Parliament, there was a standing committee on human rights and fundamental freedoms. Albania also had a human rights ombudsman and a bureau for the protection of minorities. There was also a large number of NGOs operating in the field of human rights.

62. Despite the progress made in the past 10 years, however, there were still cases in Albania of individual officials in the police, in the justice system or in the administration who violated human rights. The Government spared no effort to identify such persons and to punish them severely.

63. Sheikh SAHIB BEN SHEIKH said that he had spoken at the previous meeting of a universal ethic common to all humanity, and had said that the content of that ethic must not be either religious or anti-religious. A religion which was sure of itself did not function as a dominating force. However, he might not have been sufficiently explicit in his opening statement. In certain parts of the Muslim world there was a barbarism which struck at the heart of Islam and made victims of innocent people. He was referring specifically to the Taliban regime in Afghanistan and the Groupes Islamiques Armées (GIA) in his own country of origin, Algeria. He hoped everyone present would be in agreement with the statement that the international community condemned the theological version of and the understanding of Islam by the Taliban and the GIA, and did not condemn Islam itself.

64. Theology was not the same as faith. It was a human construct whose purpose was to elucidate the mystery that was faith and to rationalize it in order to make it more communicable. While the greatness of a religion did not stem from its theology, it was a catastrophe for a religion when its theology stagnated and became frozen in a far-off historical period. Islam's only authority was textual. Interpretation was for its believers. It was unfortunate, that, in recent centuries some Muslims had made sacrosanct the efforts of their ancestors and their theologians along those lines, giving rise to a certain tendency to "bedouinize" Islam.

65. The majority of Muslims did not do so, but there were certain tendencies which stemmed from frustration and which were dangerously out of kilter in the contemporary world. Islam was a universal religion with extraordinary values, and its thinkers and theologians should make an effort to desacralize its heritage.

66. Islam was marked by a concern for seeking justice, but the justice of one period, if it were allowed to stagnate, became an injustice for another period. The progress of one generation, if it stagnated, became a regression for another generation. No generation had the right to interpret or make laws for a future generation. Islam was an active partner in the international order, and should not be a competing or dominating force.

67. Ms. PONCINI (International Federation of University Women), speaking also on behalf of Zonta International, the International Council of Women, the Brahma Kumaris World Spiritual University and Soroptimist International, as well as in her position as President of the NGO Committee on the Status of Women which coordinated the Women/Gender/Children's Caucus, said that fundamental to the principle of tolerance was understanding why there were differences in human beings, and an acceptance of those differences. While human beings had all the tools to develop that knowledge and understanding, they had not harnessed them to cope with diversity, and were in fact exacerbating exclusion and rigidity in their prejudices. They had not transformed their minds to adapt to and respect diversity; they were still set on the rules of hierarchy and the quest for economic and political power.

68. Understanding must not only extend out to the changing external world, it must also reach into each individual's inner self. Human rights education was a key to providing a new vision of what was ethically, morally and socially responsible and equitable. Governments and the media had roles to play in creating a climate of non-violence that promoted multicultural society and economic empowerment. Gender inequality further compounded racial discrimination. Social development was a human right that had to go hand in hand with economic considerations and transactions.

69. Mr. ASGHAR NEMATI (Organization for Defending Victims of Violence) said that peaceful coexistence could not be promoted in multicultural societies unless people respected each other and tolerated their differences. The violence in Afghanistan, the Balkans and other parts of the world showed how a climate of lawlessness and disregard for human life and dignity resulted in violations of human rights. Political leaders should promote tolerance and respect and put an end to violence and discrimination.

70. But how could such tolerance and respect be effectively promoted? What could the constructive role of States, the United Nations and its agencies, NGOs, civil society and other actors be? The Commission on Human Rights attached the highest priority to education, dialogue, the rule of law and the protection and promotion of all human rights and fundamental freedoms as the most important factors in the effective promotion of the values of tolerance, respect and pluralism. Civil society, and particularly NGOs, also had a role to play in disseminating the importance of tolerance and pluralism through their awareness-raising activities.

71. Ms. GRANGE (International Catholic Migration Commission), speaking also on behalf of the Global Campaign for Ratification of the Convention on Migrants' Rights, said that, while the international community was elaborating an impressive and far-reaching body of treaties and other documents universally acknowledging the inherent dignity of all members of the human family, millions of men, women and children were in movement within and across borders fleeing violence, persecution, discrimination, abject poverty, unjust distribution of wealth, and man-made and natural disasters.

72. Some were called migrants, while others were called refugees, asylum-seekers or internally displaced persons. Some were even called "illegals". Who decided on the legality of a life, and what did that have to do with tolerance, dignity and respect? By immigration and asylum policies that criminalized "irregular" migrants, the receiving countries were fostering a climate of intolerance. The rise in discrimination, ostracism and xenophobia had surely something to do with closed-door policies, a fortress mentality and zero immigration programmes. Had the amalgamation of migration and trafficking in human beings something to do with distorted portrayals in the media and hostile attitudes in national populations? Had the absence of political will something to do with creating breeding grounds for the rise in intolerance, neo-nazism and religious fundamentalism? Forced migrants fled one set of evils only to be faced with denials of their human rights at the end of their painful journey.

73. Migrants with a number of years' residence should be allowed take part in local elections in the receiving countries. Appropriate structures should be put in place at the national level for their participation in decision-making that affected their lives and the lives of their communities. Their representatives should be included in national human rights commissions. Education programmes should acknowledge the positive elements in other traditions and cultures. States and civil society should use International Migrants Day to highlight the fact that migrants' rights were human rights and to emphasize that undocumented migrants needed protection. States should adopt coherent, transparent and just legal immigration frameworks, and should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the relevant ILO conventions. The plan of Action of the forthcoming World Conference should contain a separate consolidated section on measures to promote and protect the rights of migrants.

74. Mr. PERERA (World Federation of United Nations Associations (WFUNA)), reviewing the Hebraic, Christian, Hindu, Buddhist, Muslim and Baha'i traditions, said that they all taught tolerance and respect. The Indian Emperor Asoka had inscribed on his rock pillars the statement that, by tolerating other religions, one elevated one's own. Everyone should take note of the statement in the Hindu Vedas that religion was the search for truth and that truth was like a diamond: the more sides it had the brighter it shone. The different sides of the diamond were the different religions of the world. Intolerance sullied that diamond and made it lose its lustre.

The meeting rose at 6 p.m.